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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-178510

August 28, 1973

31302

Mr. Ellis W. Edwards
15487 Ohio
Detroit, Michigan 48238

Dear Mr. Edwards:

We refer to your letter received in this Office on July 5, 1973, regarding our decision of June 20, 1973, B-178510, to you, sustaining the action of our Transportation and Claims Division which disallowed your claim for travel expenses and per diem incident to temporary duty travel you undertook as an employee of the United States Army Tank-Automotive Command, Warren, Michigan.

The facts in your case were stated in our decision of June 20, 1973, and need not be repeated here except as pertinent to the present discussion of the case. You have submitted no new information in the matter except to state that you did not receive any oral or written notice of the cancellation of your travel orders prior to your departure for the training course at Ft. Lee, Virginia. That fact was unclear in the previous record since your signed disclaimer of receipt of notice of the cancellation seemed to disclaim only receipt of an oral notification by telephone on the particular date of August 24, 1971. Memorandums included in the record indicated that your supervisors had notified you orally by telephone on August 26, 1971, as well as August 24, 1971, that your attendance at the course had been cancelled and your travel orders rescinded. You now state that you received no notice of cancellation whatsoever prior to your departure and believe that your word can be relied upon as well as the word of your supervisors who have stated that they notified you.

It long has been the rule of this Office, in circumstances where the information furnished by the employee and that furnished by the administrative office is contradictory, to accept the statement of facts as furnished by the administrative office in the absence of evidence sufficient to overcome a presumption of the correctness thereof. 40 Comp. Gen. 178, 180 (1960); 37 id. 797, 798 (1958); 36 id. 529, 530 (1957). Nothing furnished by you serves to overcome the evidence furnished by the administrative office. Therefore, there is no basis for any different view regarding your claim than that expressed in our decision of June 20, 1973.

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B-178510

As to your request for advice regarding further appeal of your claim, we point out that the decisions of this Office are binding upon the executive departments and agencies of the Government and the law provides no appeal from decisions of the Comptroller General. As to matters cognizable by the United States District Courts and the United States Court of Claims, see 28 U.S.C. 1346 and 1491.

Sincerely yours,

Paul G. Lembling

For the Comptroller General
of the United States

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