



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

B-174239

May 15, 1973

30919

The Honorable Peter W. Rodino, Jr.  
Chairman, Committee on the Judiciary  
House of Representatives

Dear Mr. Rodino:

Reference is made to your letter dated February 22, 1973, requesting our views on H.R. 4320, a bill for the relief of Kenneth H. Schmitz of Hamburg, New York.

This bill would relieve Mr. Schmitz of his liability to the United States in the amount of \$453, stated to represent overpayments of military pay and allowances while serving on active duty in the United States Marine Corps Reserve during the period July 1, 1969, through March 19, 1970. In addition, the bill would relieve the certifying or disbursing officer of liability to the extent of the overpayment and would authorize and direct the Secretary of the Treasury to pay to Mr. Schmitz an amount equal to the sum of any amounts received or withheld from sums otherwise due him on account of such overpayment.

Since the indebtedness represents erroneous payments which appropriately may be considered for waiver under the provisions of 10 U.S.C. 2774, as added by the act of October 2, 1972, Public Law 92-453, 86 Stat. 758, we referred the matter to the Commandant of the Marine Corps on March 7, 1973, for investigation and report in accordance with the Standards for Waiver promulgated in implementation of the waiver statute, published December 8, 1972, in the Federal Register, Vol. 37, page 26096, et seq. By letter dated April 10, 1973, the Head, Disbursing Branch, Fiscal Division of the Marine Corps, by direction of the Commandant of the Marine Corps, expressed the opinion that all of the conditions for waiver as outlined in the Standards for Waiver are present in this case and recommended that the claim against Mr. Schmitz in the amount of \$453 be waived.

Under the authority of 10 U.S.C. 2774 and in view of all the facts and circumstances involved in the case, indicating no fault on the part of Mr. Schmitz, we have decided to waive the claim of the United States against him. The Commandant of the Marine Corps

091946

B-174239

has been informed of this action by letter dated today, copy enclosed, and has been requested to advise Mr. Schultz of our action and of his right under the act to claim any amount of the indebtedness which may have been repaid by him.

In view of our action in the matter, the need for private relief legislation no longer exists.

Sincerely yours,

PAUL G. DEMBLING  
For the Comptroller General  
of the United States