

SUBCHAPTER C—CLAIMS; GENERAL

PART 30—SCOPE OF SUBCHAPTER

AUTHORITY: 31 U.S.C. 711 and 3702.

§30.1 Coverage of regulations in Subchapter C.

The regulations in Subchapter C relate to all classes of claims by and against the United States except:

(a) Those claims which are under the exclusive jurisdiction of administrative agencies pursuant to specific statutory authority;

(b) Claims concerning matters which are subject to negotiated grievance procedures under collective bargaining agreements entered into pursuant to 5 U.S.C. 7121(a);

(c) Claims for charges for transportation services furnished for the account of the United States, which now are to be filed with the General Services Administration or the agencies out of whose activities they arise. However, claims by carriers and forwarders against the United States for amounts administratively deducted from transportation payment vouchers in connection with loss or damage to property are covered by this subchapter and are to be filed in the General Accounting Office.

[27 FR 12044, Dec. 6, 1962, as amended at 40 FR 60036, Dec. 31, 1975; 47 FR 56980, Dec. 22, 1982; 57 FR 31272, July 14, 1992; 57 FR 33392, July 28, 1992]

PART 31—CLAIMS AGAINST THE UNITED STATES; GENERAL PROCEDURE

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AUTHORITY: 31 U.S.C. 711. Interpret or apply 31 U.S.C. 3702.

§31.1 Scope of part.

This part prescribes general procedures applicable to claims against the United States which must be adjudicated in the General Accounting Office or in the agency out of whose activities the claim arose before payment is made or denied exclusive of transportation claims. Special procedures applicable to specified types or classes of claims against the United States are contained in the subsequent parts of this subchapter.

[22 FR 10890, Dec. 28, 1957, as amended at 54 FR 25437, June 15, 1989]

FILING REQUIREMENTS FOR CLAIMANTS

§31.2 Form of claim.

Unless otherwise specifically provided, claims will be considered only when presented in writing over the signature and address of the claimant or over the signature of the claimant's authorized agent or attorney. Generally, no particular form is required for filing a claim; however, claim forms are prescribed in succeeding parts of this subchapter for specific classes of claims.

[22 FR 10890, Dec. 28, 1957]

§31.3 Claim filed by attorney or agent.

A claim filed by an agent or attorney must be supported by a duly executed power of attorney or other documentary evidence of the agent's or attorney's right to act for the claimant. See part 11 of this chapter.

[22 FR 10890, Dec. 28, 1957, as amended at 45 FR 84955, Dec. 24, 1980; 54 FR 51867, Dec. 19, 1989]

§31.4 Where claims should be filed, appeals.

A claimant should file his or her claim with the administrative department or agency out of whose activities the claim arose. The agency shall initially adjudicate the claim. If the

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claimant is not satisfied with the agency's determination, he or she may appeal that determination to the Claims Group, General Accounting Office. Claims which cannot be resolved by the department or agency shall be transmitted to the Claims Group, General Accounting Office, for resolution. Claims referred by agencies or by claimants to the General Accounting Office, or any correspondence regarding a claim, should be addressed to: Claims Group, U.S. General Accounting Office, Washington, DC 20548.

[54 FR 51868, Dec. 19, 1989]

§ 31.5 Statutory limitations on claims.

(a) *Statutory limitations relating to claims generally.* All claims against the United States Government, except as otherwise provided by law, are subject to the 6-year statute of limitations contained in 31 U.S.C. 3702(b). To satisfy the statutory limitation, a claim must be received by the General Accounting Office, or by the department or agency out of whose activities the claim arose, within 6 years from the date the claim accrued. The burden of establishing compliance with the statute of limitations rests with the claimant.

(b) *Statutory limitation on check claims.* The statutory limitation on claims on account of checks appearing to have been paid are contained in 31 U.S.C. 3702(c). To protect their own interests, it is the responsibility of claimants to present their claims for the proceeds of checks to the Treasurer of the United States or the General Accounting Office if the statutory period of limitation is about to expire.

(c) *Other statutory limitations.* It is not intended to imply that statutes of limitation imposed by Congress are necessarily limited to those cited in paragraphs (a) and (b) of this section. It is incumbent on claimants to inform themselves regarding other possible statutory limitations.

[23 FR 7478, Sept. 26, 1958, as amended at 40 FR 60036, Dec. 31, 1975; 47 FR 56980, Dec. 22, 1982; 54 FR 51868, Dec. 19, 1989]

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INFORMATION RELATING TO CLAIMS

§ 31.6 Information relating to claims presented to the Claims Group, General Government Division of the General Accounting Office.

Claimants or their authorized representatives may obtain information relating to claims which have been presented to the Claims Group, General Government Division of the General Accounting Office by addressing correspondence to

Claims Group, General Government Division,
U.S. General Accounting Office,
Washington, DC 20548.

or by calling in person at that Office at 441 G Street NW.

[23 FR 7478, Sept. 26, 1958, as amended at 40 FR 60036, Dec. 31, 1975; 54 FR 25437, June 15, 1989]

§ 31.7 Basis of claim settlements.

Claims are settled on the basis of the facts as established by the Government agency concerned and by evidence submitted by the claimant. Settlements are founded on a determination of the legal liability of the United States under the factual situation involved as established by the written record. The burden is on claimants to establish the liability of the United States, and the claimants' right to payment. The settlement of claims is based upon the written record only.

[22 FR 10890, Dec. 28, 1957]

§ 31.8 Form of claim settlements.

(a) *Allowed claims.* The Claims Group, General Government Division of the General Accounting Office will certify claims for payment either by use of a Certificate of Settlement, GAO Form 39, or by certificate of allowance placed on the voucher when voucher procedures are in effect.

(b) *Disallowed claims.* When part of a claim is allowed and part disallowed, a statement relating to the disallowed portion will be included on the certificate of settlement or the voucher. When the full amount of a claim is disallowed, the claimant will be advised

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by issuance of Settlement Certificate, GAO Form 44.

[23 FR 7478, Sept. 26, 1958, as amended at 40 FR 60036, Dec. 31, 1975; 54 FR 25438, June 15, 1989]

PART 32—REVIEW AND RECONSIDERATION OF GENERAL ACCOUNTING OFFICE CLAIMS SETTLEMENTS

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- 32.1 Who may obtain review.
- 32.2 Basis for request for review.
- 32.3 Return of check or warrant with request for review.

AUTHORITY: 31 U.S.C. 711.

§ 32.1 Who may obtain review.

Settlements made pursuant to 31 U.S.C. 3702 will be reviewed: (a) In the discretion of the Comptroller General upon the written application of: (1) A claimant whose claim has been settled or (2) the head of the department or Government established to which the claim or account relates, or (b) upon motion of the Comptroller General at any time.

[22 FR 10890, Dec. 28, 1957, as amended at 47 FR 56980, Dec. 22, 1982]

§ 32.2 Basis for request for review.

Applications for review of claim settlements should state the errors which the applicant believes have been made in the settlement and which form the basis of his request for reconsideration.

[22 FR 10890, Dec. 28, 1957]

§ 32.3 Return of check or warrant with request for review.

Unless otherwise directed by the Comptroller General on the presentation of proper facts in the particular case, the check issued upon a settlement must not be cashed when its amount includes any item as to which review is applied for, but should accompany the application for review.

[22 FR 10890, Dec. 28, 1957]

PART 33—DECEASED CIVILIAN OFFICERS AND EMPLOYEES; PROCEDURES FOR SETTLEMENT OF ACCOUNTS

Sec.

- 33.1 Scope of part.
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- 33.8 Claims involving minors or incompetents.
- 33.9 Return of unnegotiated Government checks.
- 33.10 Applicability of general procedures.

AUTHORITY: 31 U.S.C. 711. Interpret or apply 5 U.S.C. 5582 and 5583.

§ 33.1 Scope of part.

(a) *Accounts covered by this part.* This part prescribes forms and procedures for the prompt settlement of accounts of deceased civilian officers and employees of the Federal Government and of the government of the District of Columbia (including wholly owned and mixed-ownership Government corporations), as contemplated by 5 U.S.C. 5581, 5582, 5583. The term "deceased employees" as used in this part includes former civilian officers and employees who die subsequent to separation from the employing agency.

(b) *Exceptions.* The procedures prescribed by this part do not apply to:

(1) Accounts of deceased officers and employees of the Federal land banks, Federal intermediate credit banks, or regional banks for cooperatives (see 5 U.S.C. 5581(1)).

(2) Payment of unpaid balance of salary or other sums due deceased Senators or officers or employees of the Senate (see 2 U.S.C. 36a; 5 U.S.C. 5581(1)).

(3) Payment of unpaid balance of salary or other sums due deceased Members of the House of Representatives (see 2 U.S.C. 38a). See § 33.6 for settlement of accounts of deceased officers and employees of the House of Representatives.

[33 FR 685, Jan. 19, 1968]