



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-261461

November 27, 1995

Robert O. Schultz
1905 Bourland
Waterloo, IA 50702

Dear Mr. Schultz:

This is in response to the letter from you and your sister, Sister Angelica Schultz, regarding your claim to \$28.33 (plus interest) left by your grandfather, Gustav H. Schultz, at Fort Sidney Military Barracks on July 15, 1885, where he was being held when he escaped. At the time, he was en route to Fort Leavenworth, Kansas, to serve 3 years for desertion. The correspondence has been forwarded to our Office by the U.S. Total Army Personnel Command since the claim is under our Office's jurisdiction.

Your claim cannot be considered because it is barred by 31 U.S.C. § 3702(b), commonly known as the Barring Act. That act bars every claim against the United States within our jurisdiction unless the claim is received here within 6 years after the date the claim accrued. The purpose of the 6-year Barring Act is to relieve the government of the need to retain, search for, and—if they can be found—interpret old records for the purpose of settling old claims. The reasons why a claim was not submitted within 6 years of accrual and the substantive merits of the claim are irrelevant. We do not have authority to modify or waive the provisions of the Barring Act or to make any exceptions to the time limitations it imposes. William M. Tyree, B-260807, May 5, 1995 (copy enclosed).

Accordingly, since the claim accrued more than 100 years ago, it is barred and cannot be considered by our Office.

Sincerely yours,

/s/Seymour Efros
for Robert P. Murphy
General Counsel

Enclosure

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DIGEST

Claim for money left at an Army fort in 1885 when claimants' grandfather escaped from custody is barred by 31 U.S.C. § 3702(b) since it was not filed with the General Accounting Office within 6 years of the date it accrued.