

RELIEF OF CHARLES J. UTTERBACK—VETO MESSAGE

M E S S A G E

FROM

THE PRESIDENT OF THE UNITED STATES

RETURNING

WITHOUT APPROVAL THE BILL (S. 521) ENTITLED "AN ACT FOR
THE RELIEF OF CHARLES J. UTTERBACK"

MARCH 8, 1962.—Read; referred to the Committee on the Judiciary and ordered
to be printed

To the Senate:

I am returning, without my approval, S. 521, for the relief of Charles J. Utterback.

The claimant, after two periods of military service and apparently 23 years of Federal civilian service, retired September 30, 1959. He chose this date on advice from his employer that his required 30 years of service would have been completed by that date. Subsequent verification of military service dates revealed that Mr. Utterback actually would not have completed his 30 years of service for optional retirement until October 12, 1959. In view of the administrative error corrective action was taken, as has been done in other cases, to enable him to meet the minimum requirements for optional retirement; Mr. Utterback was granted leave without pay for the period September 30 through October 31, 1959, and his retirement was made effective as of the latter date.

This bill would go beyond this administrative action to give Mr. Utterback approximately \$262, a sum of money equal to the amount he would have received as compensation, had he continued in his employment for the 12 days necessary to make him eligible for retirement, apparently on the assumption that he would have wished to remain in pay status until the date of eligibility for optional retirement had he been correctly advised.

I do not believe that the particular circumstances of this case warrant a departure from the general rule that salary should be paid only for periods during which services are performed. The administrative action granting him an extra 30 days of retirement credit seems to me to be adequate recognition of and recompense for the Government's error in this case. This action enabled him to achieve his original objective—an immediate annuity instead of a deferred annuity at age 62—and gave him gratuitous credit for the additional month of service, increasing his annuity by \$1 per month for life. To give the claimant pay for service never rendered under these circumstances would grant him a special benefit denied to other similarly situated persons, and would serve as a precedent for other similar proposals.

JOHN F. KENNEDY.

THE WHITE HOUSE, *March 7, 1962.*

S. 521

EIGHTY-SEVENTH CONGRESS OF THE UNITED STATES OF AMERICA, AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON WEDNESDAY, THE TENTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND SIXTY-TWO

AN ACT For the relief of Charles J. Utterback.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Charles J. Utterback, of Aiea, Hawaii, a sum equal to the amount he would have received as compensation had he continued in his employment with the Corps of Engineers of the United States Army, Honolulu District, from September 30, 1959, the date of his separation from service for the purpose of retirement under the Civil Service Retirement Act (in accordance with an erroneous computation of his term of service made by the Corps of Engineers) through October 12, 1959, the date on which he became eligible for retirement.

JOHN W. McCORMACK,
Speaker of the House of Representatives.

LYNDON B. JOHNSON,
*Vice President of the United States and
President of the Senate.*

[Endorsement on back of bill:]

I certify that this Act originated in the Senate.

FELTON M. JOHNSTON,
Secretary.

