



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Joan M. Jenkins - Temporary Lodgings at Permanent  
Duty Station - Threatened Employee  
File: B-225089  
Date: September 21, 1987

### DIGEST

A Social Security Administration claims representative whose life was threatened by a disability applicant was advised by police to leave home that night and she spent the night at a local hotel. Agency's appropriated funds are available in circumstances of extreme emergencies involving danger to human life or destruction of Federal property. Here, there was a direct threat to the employee's life arising out of her performance of assigned duties and a clear need for immediate protection. Accordingly, the agency's funds may be used for the expenses incurred.

### DECISION

An official of the Social Security Administration (SSA) requests an advance decision concerning the availability of agency funds to pay for protection of an employee in circumstances where the employee was in immediate life-threatening danger arising from the performance of official duties.

### BACKGROUND

The agency reports that on June 12, 1986, an incident alert was filed with the Federal Protective Service on behalf of Ms. Joan Jenkins, a Claims Representative in the San Diego, California, district office. Ms. Jenkins had been receiving harassing phone calls and letters both at home and at work from a disability applicant. In the midst of this pattern of harassment, Ms. Jenkins received a telephone call on the night of June 17, 1986, from a doctor who was treating the disability applicant and who informed Ms. Jenkins that the individual had threatened to kill her. The doctor further reported his belief that the threat was real and his opinion that the individual was capable of carrying out the threat. Ms. Jenkins immediately notified the police who advised her to leave her home. Acting upon

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this recommendation Ms. Jenkins and her roommate obtained lodging for the remainder of the night at a local hotel. Ms. Jenkins claims expenses in the amount of \$53.18 covering the cost of the hotel room and mileage. The agency further reports that Ms. Jenkins obtained a restraining order and the disordered applicant was arrested and put in jail.

#### OPINION

In submitting the question to us, the Social Security Administration suggests that Ms. Jenkins should be reimbursed based on a recent law authorizing payment of certain expenses to threatened employees. Public Law 99-234 January 2, 1986, 99 Stat. 1756, 1757, 5 U.S.C. § 5706a, was enacted to provide specific authority for the payment of subsistence and transportation expenses when the life of an employee who is employed in a law enforcement, investigative, or similar capacity, or members of the employee's immediate family, is threatened as a result of the employee's assigned duties. However, the new law did not become effective until July 1, 1986, 180 days after enactment, and after Ms. Jenkins' incident occurred on June 17, 1986. See also General Services Administration Bulletin FPMR A-40, Federal Travel Regulations (FTR), Supplement 20, dated May 30, 1986, which implements the new statutory provisions, effective July 1, 1986. We note that FTR para. 1-14.2 provides that agency heads are responsible for issuing regulations or guidelines to implement the new authority. This would include the determination of those employees who are eligible individuals under FTR para. 1-14.4 (Supp. 20).

Still, there is no doubt that Ms. Jenkins responded reasonably to an emergency police advisory and that the urgent and unforeseen emergency clearly involved a direct threat to her life arising out of the performance of her assigned duties. Under very limited circumstances in cases cited by the agency, 53 Comp. Gen. 71 (1973) and B-189003, July 5, 1977, we have allowed agencies to use appropriated funds to absorb costs incurred by the protectors of life or Federal property in an emergency situation. We find that this case involves a similar situation where the agency was authorized to act on behalf of its employee. Therefore, the agency's appropriated funds are available to pay for the protection of an employee under these circumstances of immediate danger arising from performance of official duties.

Accordingly, we would not object to the agency's determination to pay the expenses incurred by Ms. Jenkins.

*ja* *Harry R. Van Cleave*  
Comptroller General  
of the United States