

B-260915

April 3, 1995

Mr. Bruce Morrison
Chairman
Committee of Inquiry into Fiscal
Irregularities
Department of State

Dear Mr. Morrison:

This is in response to your letter of March 7, 1995, requesting that Mr. _____, alternate cashier for the American Embassy in Port-au-Prince, Haiti, be relieved of liability for the loss by theft of funds in the amount of \$21,276.70. We hereby grant your request and relieve _____ from liability for the loss.

On November 10, 1994, _____ went to Citibank in Port-au-Prince to obtain the payroll for the Embassy's Foreign Service National employees. According to Embassy policy, he was accompanied in the official Embassy light-armored vehicle by an Embassy driver and a General Services Procurement Assistant. After _____ obtained the funds, a Haitian Army Sergeant, _____, assigned to the Embassy to provide security to the Ambassador, shot and killed _____ and the Procurement Assistant and severely wounded the driver before taking the payroll consisting of \$49,327.70 in cash and \$2,138.22 in checks.

The sergeant was apprehended at a later date with cash remaining of \$28,051.00. The Embassy was able to stop payment on the checks, therefore the monetary loss to the U.S. government is \$21,276.70.

You have determined that _____ was discharging his official duties when the loss occurred and the loss was not the result of fraud or negligence on his part. Under 31 U.S.C. § 3527(a), this Office may relieve an accountable officer of liability for physical loss of government funds if it concurs with the determination by the head of the agency, or any official delegated such authority, that the loss occurred while the officer was acting in his or her official capacity and was not the result of fault or negligence on the part of the officer. See B-235458, August 23, 1990. The record shows that the loss was the result of an armed robbery committed by _____. We have been advised that _____, the Procurement Assistant, and the driver of the car knew _____ and his role at the Embassy as a member of the protective security detail. Your investigation found no evidence to implicate _____. We concur in the finding of the Department of State and that _____ was acting in discharge of his official duties and

that he was without fault or negligence. Accordingly we grant liability for the loss.

relief from

Sincerely,

Gary L. Keplinger
Associate General Counsel