



Office of the General Counsel

B-235405

March 19, 1990

Mr. Gary C. Cason  
Regional Administrator  
General Services Administration  
Region 4  
755 Spring Street  
Atlanta, Georgia 30303

Dear Mr. Cason:

This is in response to your letter of February 1, 1990, that this Office disregard your request for relief of Ms. , cashier, for an overpayment in the amount of \$180 from the Tampa, Florida, Imprest Fund. You now state that you are unable to certify that the overpayment was not the result of fault or negligence on the part of the cashier. Because the terms and conditions of the relief statute cannot be satisfied, we are unable to grant relief from liability for Ms. . 31 U.S.C. § 3527 (1982).

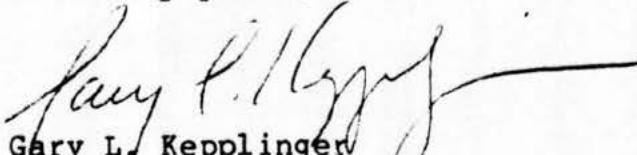
Your letter also requests this Office to adjust the imprest fund account pursuant to 31 U.S.C. § 3530 (1982) to restore the amount of the deficiency. You justify this request on the basis that the cost of collecting the overpayment from Ms. , who resigned her federal government position effective January 7, 1989, would likely exceed the \$180 deficiency. We are unable to comply with your request because section 3530 does not authorize this Office to adjust your accounts. However, you may be able to adjust the account provided the conditions of section 3530 are satisfied.

Section 3530 authorizes you to charge appropriations currently available to operate your activity with an amount necessary to restore the deficiency in the account resulting from the fault or negligence of the cashier, when the head of your agency or his or her designee decides the loss is uncollectible from Ms. . The standards for making this determination are contained in 4 C.F.R. § 104.3 (1989). In this regard, the regulation states that: "Collection action may be terminated on a claim when it is likely that the cost

of further collection action will exceed the amount recoverable thereby." 4 C.F.R. § 104.3(c).

Under provisions of 31 U.S.C. § 3530(b) (1982), the determination that the amount is uncollectible and a subsequent adjustment does not affect the personal financial liability of Ms. for the loss, should collection action become feasible in the future.

Sincerely yours,



Gary L. Kepplinger  
Associate General Counsel