



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

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Subject Card

OFFICE OF GENERAL COUNSEL

B-191161

MAR 5 1977

The Honorable Samuel W. Brown, Jr.
Director, ACTION

Dear Mr. Brown:

This is in answer to a letter from the Chief, Fiscal Services Branch, with enclosures, which requests that principal class "B" cashier, a Peace Corps employee in Palau, Western Caroline Islands, Micronesia, be relieved of liability for a \$1,809.97 shortage of funds in his custody.

The information submitted to us indicates that the shortage resulted from a burglary at the Peace Corps office in Palau, Western Caroline Islands, Micronesia. Sometime during the night of December 6, 1976, unknown person(s) gained entry to the cashier's office by breaking through the bathroom walls. The thieves broke into the safe and escaped with \$309.87 in imprest funds, \$1,500 cash proceeds from the sale of an old vehicle, and three U.S. checks payable to the cashier. ACTION has subsequently been reimbursed for the proceeds of check number 113,841 dated 9/22/76. Stop payment actions on check number 114,157 dated 11/26/76 for \$121.83 and check number 114,119 dated 11/13/76 for \$396.80 are still pending.

Upon discovery of the break-in, the local police were contacted. The police apprehended two suspects who were subsequently brought to trial and found not guilty. The investigation developed no information that would implicate Cashier in connection with the theft.

31 U.S.C. § 82a-1^{1/2}(1970) authorizes the General Accounting Office to grant relief to an accountable officer for a physical loss of funds upon our concurrence in determinations by the agency head--

"* * * (1) that such loss or deficiency occurred while such officer or agent was acting in the discharge of his official duties, or that such loss or deficiency occurred by reason of the act or omission of a subordinate of such officer or agent; and (2) that such loss or deficiency occurred without fault or negligence on the part of such officer or agent. * * *"

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Based upon the investigative findings, it was administratively determined pursuant to 31 U.S.C. § 82a-1 (1970) that the loss occurred while [redacted] was acting in the discharge of his official duties and without fault or negligence on his part. We concur in these determinations.

Accordingly, relief is granted to Cashier [redacted] under the provisions of 31 U.S.C. § 82a-1 (1970), in the amount of \$1,809.97. ACTION appropriation 4480100 may be charged with the shortage.

We note that further actual losses might result if the stop payment actions on check number 114,157 and check number 114,119 are ineffectual. In that event, Cashier [redacted] may be relieved of liability for the same reasons stated above. We suggest that you submit a second request for relief if it becomes necessary.

A copy of this decision is being sent to the Chief Disbursing Officer, Department of the Treasury.

Sincerely yours,

MILTON SOCOLAR

Paul G. Bambling
General Counsel