



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sergeant Charles E. North, Jr. - Relief of an Accountable Officer

File: B-238362

Date: July 11, 1990

DIGEST

An accountable officer's hotel room was burglarized while he was sleeping, after he had locked its door, and the cash and other items were out of sight. The hotel did not have a safe deposit box available, either in the hotel room or at the front desk, and locked containers were not otherwise available. We concur with the agency's administrative determinations that he was acting in the discharge of his official duties, and that he was not negligent. Thus, we grant relief from liability for the physical loss of funds under 31 U.S.C. § 3527 (1988).

DECISION

This decision is in response to a request from Mr. Frank Palmer, Chief, Financial Management Division, United States Secret Service, Department of the Treasury (Treasury Department), concerning the theft of public money from Sergeant Charles E. North, Jr., arising from his temporary duty in Gdansk, Poland, during President Bush's visit in July 1989. For the following reasons, we concur with the Treasury Department's administrative determinations and we grant relief in the amount of \$550.1/

1/ This matter was originally submitted to our Office under the Military Personnel and Civilian Employees Claims Act of 1964, as amended, 31 U.S.C. § 3721 (1988). Our Office has been informed that the Treasury Department has no objections to this case being treated under 31 U.S.C. § 3527 (1988), our general statutory authority to relieve accountable officers from liability, as we now believe it should be treated. Furthermore, the total of public money lost was approximately \$550 in operational funds provided Sergeant North to cover sundry official expenses of the Secret Service team accompanying the President.

0-48953/ 141784

BACKGROUND

Sergeant North, of the Secret Service's Uniformed Division, was given a temporary assignment, which included approximately 4 days in Gdansk, Poland, and 6 days in Paris, France, in support of the President's visit to Gdansk in July 1989. On July 9, 1989, his hotel room at the Hevelius Hotel in Gdansk, Poland, was burglarized while he was asleep in the room. Several items were stolen from him, including \$750 in cash and \$500 in traveler's checks.^{2/} Prior to falling asleep, he had locked the door of his room, and the cash and other items were out of sight. At the time the burglary occurred, the door to his room was locked, and the Hevelius Hotel did not have a safe deposit box (a locked container), either in the hotel room or at the front desk. Furthermore, neither the Treasury Department nor the State Department supplied any locked containers for these employees who were on temporary assignment in Gdansk, Poland.

The Treasury Department has made a specific finding that there was no negligence on Sergeant North's part. It states that his assignment and duties as a supervisor in charge of a team required that he have this amount of cash and traveler's checks immediately available for official business expenditures. Additionally, Treasury Department agents, who were doing the advance preparations for the trip, informed him that due to a fiscal crisis, credit cards and checks were not being accepted.

Opinion

Any government officer or employee, civilian or military, who by reason of his employment is responsible for or has custody of government funds is an accountable officer. 59 Comp. Gen. 113 (1979). Accountable officers are automatically and strictly liable for funds entrusted to them. 64 Comp. Gen. 606 (1985). However, our Office is authorized by 31 U.S.C. § 3527 (1988) to relieve an accountable officer from liability for a physical loss of funds, if our Office concurs with administrative determinations made by the requesting agency to the effect that the loss occurred while the accountable officer was acting in the discharge of official duties, and the loss

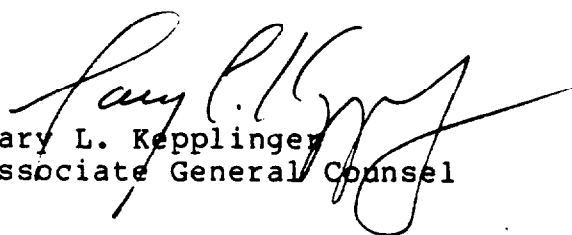
^{2/} Sergeant North's homeowner's insurance company has partially reimbursed him for loss of cash, and Citicorp has reimbursed him for loss of the traveler's checks. The government's actual loss and Sergeant North's liability for the loss amount to \$550.

occurred without fault or negligence on the part of the accountable officer. 65 Comp. Gen. 876 (1986).

In the present case, the record clearly shows that throughout the period of time involved, Sergeant North was acting in the discharge of his official duties. In view of the local fiscal crisis, he had little choice but to carry a sufficiently large sum of cash necessary to permit his team to properly discharge their official duties.

Furthermore, we concur with the Treasury Department's specific finding in the record that the loss of public money in question occurred without fault or negligence on the part of Sergeant North, who was the accountable officer. Under the circumstances related above, we believe that Sergeant North took sufficient measures within his control to protect the funds.

Accordingly, we grant relief to Sergeant Charles E. North, Jr., in the amount of \$550.



Gary L. Kepplinger
Associate General Counsel