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B-142058, Mar. 18, 1960

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B-142058, MAR. 18, 1960

TO THE SECRETARY OF STATE:

A LETTER DATED NOVEMBER 23, 1959, SIGNED BY THE ASSISTANT SECRETARY ON YOUR BEHALF REQUESTS THAT PURSUANT TO THE PROVISIONS OF THE ACT OF AUGUST 1, 1947, 61 STAT. 720, AS AMENDED BY THE ACT OF AUGUST 9, 1955, 69 STAT. 626, 31 U.S.C. 82A-1, CONSIDERATION BE GIVEN BY OUR OFFICE TO THE GRANTING OF RELIEF TO JAMES R. JOHNSTON, FORMER AGENT OFFICER AT THE AMERICAN CONSULATE, IZMIR, TURKEY, FOR SHORTAGES IN HIS ACCOUNTS TOTALING 1361.81 TURKISH LIRA, EQUIVALENT TO $151.31.

IT IS REPORTED THAT ON OCTOBER 26, 1956, MR. JOHNSTON SENT TO THE DISBURSING OFFICER AT THE AMERICAN EMBASSY, ANKARA, TURKEY, TWO REPLENISHMENT VOUCHERS TOGETHER WITH SUPPORTING RECEIPTS, FOR THE PERIOD OCTOBER 1 TO 25, 1956, ONE FOR 1295.15 TURKISH LIRA PLUS $85, AND THE OTHER FOR 2000.90 TURKISH LIRA REPRESENTING EXPENDITURES MADE FOR THE UNITED STATES INFORMATION SERVICE. SUBSEQUENTLY, WHEN MR. JOHNSTON INQUIRED WHY HE HAD NOT RECEIVED REIMBURSEMENT FOR THE REPLENISHMENT VOUCHERS, THE EMBASSY WAS UNABLE TO LOCATE THE VOUCHERS OR THEIR SUPPORTING RECEIPTS, AND WAS UNABLE TO DETERMINE WHETHER THEY WERE LOST IN THE MAILS OR INADVERTENTLY DESTROYED.

THE RECORD SHOWS THAT THE UNITED STATES INFORMATION SERVICE HAD DUPLICATE RECORDS IN ITS FILES COVERING THE EXPENDITURES OF 2000.90 TURKISH LIRA, AND MR. JOHNSTON WAS ABLE TO OBTAIN A DUPLICATE RECEIPT COVERING THE $85 EXPENDITURE. ON THE BASIS OF THESE DUPLICATE DOCUMENTS, REIMBURSEMENT WAS MADE FOR THE 2000.90 TURKISH LIRA AND $85 ITEMS. HOWEVER, MR. JOHNSTON WAS UNABLE TO FURNISH DUPLICATE DOCUMENTS COVERING THE EXPENDITURES OF 1295.15 TURKISH LIRA, WHICH AMOUNT IS STILL OUTSTANDING.

IN ADDITION TO THE FOREGOING SHORTAGE OF 1295.15 TURKISH LIRA, IT IS REPORTED THAT PAYMENT OF A REIMBURSEMENT VOUCHER FOR 66.66 TURKISH LIRA, EQUIVALENT TO $7.40, WHICH MR. JOHNSTON SUBMITTED TO THE DISBURSING OFFICER AT ANKARA, COVERING A CASH EXPENDITURE FOR RAILROAD TRANSPORTATION, WAS NEVER RECEIVED BY MR. JOHNSTON AT IZMIR. HENCE, MR. JOHNSTON'S ADVANCE ACCOUNT IS CHARGED WITH A SHORTAGE OF THESE FUNDS.

THE LETTER OF NOVEMBER 23, 1959, STATES THAT IT HAS BEEN DETERMINED THAT THE LOSS OF THE DOCUMENTS OCCURRED WHILE THE AGENT OFFICER WAS ACTING IN THE DISCHARGE OF HIS OFFICIAL DUTIES WITHOUT FAULT OR NEGLIGENCE ON HIS PART, AND IT IS RECOMMENDED THAT MR. JOHNSTON BE RELIEVED OF FURTHER RESPONSIBILITY FOR THE RESULTING SHORTAGE TOTALING 1361.81 TURKISH LIRA.

REGARDING THE SHORTAGE OF 1295.15 TURKISH LIRA, IN THE REPORT OF THE

DEPARTMENT'S COMMITTEE OF INQUIRY, DATED SEPTEMBER 28, 1956, APPROVED BY ASSISTANT SECRETARY LANE DWINELL, IT IS NOTED THAT ,THE CONSULATE WAS NOT REQUIRED TO KEEP DUPLICATE RECORDS OF STATE EXPENDITURES.'

THEREFORE, SINCE IT DOES NOT APPEAR THAT MR. JOHNSTON WAS REQUIRED TO RETAIN DUPLICATE DOCUMENTS COVERING THE EXPENDITURES OF 1295.15 TURKISH LIRA, AND SINCE THE FACTS REPORTED DO NOT INDICATE THAT LOSS OF THE VOUCHERS WAS DUE TO FAULT OR NEGLIGENCE ON THE PART OF MR. JOHNSTON AND THAT THE LOSS OCCURRED WHILE HE WAS ACTING IN THE DISCHARGE OF HIS OFFICIAL DUTIES, CREDIT FOR THE PHYSICAL LOSS OF THE VOUCHERS IN THE AMOUNT OF 1295.15 TURKISH LIRA WILL BE ALLOWED IN THE ACCOUNTS OF MR. JOHNSTON, IN ACCORDANCE WITH THE PROVISIONS OF THE ACT OF AUGUST 1, 1947, AS AMENDED, 31 U.S.C. 82A-1.

REGARDING THE REPORTED SHORTAGE OF 66.66 TURKISH LIRA, THE RECORD SHOWS THAT THE REIMBURSEMENT VOUCHER WAS RECEIVED BY THE DISBURSING OFFICER AT ANKARA, AND THAT THE PAID VOUCHER WAS INCLUDED IN THE EMBASSY'S ACCOUNTS. ALSO, IT IS REPORTED THAT REIMBURSEMENT IS PRESUMED TO HAVE BEEN FORWARDED TO IZMIR IN OCTOBER 1956; THAT THE DOCUMENT TRANSMITTING PAYMENT TO IZMIR COULD NOT BE LOCATED AT THE EMBASSY; AND THAT EXTENSIVE SEARCHERS HAVE BEEN MADE AT BOTH POSTS TO LOCATE THE MISSING DOCUMENTS WITHOUT SUCCESS.

ACCORDINGLY, SINCE IT APPEARS THAT THE CONDITIONS FOR ALLOWANCE OF RELIEF UNDER THE ACT OF AUGUST 1, 1947, AS AMENDED, 31 U.S.C. 82A-1, HAVE BEEN SATISFIED, AND SINCE THE FACTS REPORTED DO NOT INDICATE THAT THE LOSS OF THE FUNDS IN QUESTION WAS DUE TO THE FAULT OR NEGLIGENCE OF MR. JOHNSTON, CREDIT IN HIS ACCOUNTS WITH RESPECT TO THE REPORTED SHORTAGE IN THE AMOUNT OF 66.66 TURKISH LIRA, EQUIVALENT TO $7.40, WILL BE ALLOWED, IN ACCORDANCE WITH THE PROVISIONS OF THE CITED ACT.