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B-182590 February 3, 1975

Number: B-182590

Date: 1975-02-03

B-182590 February 3, 1975

The Honorable The Secretary of the Interior

Dear Mr. Secretary:

This letter is in response to the letter of October 26, 1974, from the Assistant Secretary - Management, Office of the Secretary, requesting that the cashier, Mae Jacobson, working in Kotzabue, Alaska, Social Services Office of the Bureau of Indian Affairs, be relieved of Liability for a loss by theft of $334.42 of Government funds for which she was accountable.

Relief under 31 U.S.C. Sec. 82a-1 may be granted when our Office concurs with a positive determination by the department concerned that the loss in question occurred during the discharge of official duties and did not result from the fault or negligence of the accountable officer. See B- 164449, December 8, 1969.

The letter of October 26, contains the following statement:

"The loss was not the result of bad faith or lack of due care by Mrs. Jacobson in the performance of the cashier's function and such loss occurred without fault or negligence on the part of this Cashier."

Examination of the accompanying file shows that the cashier reported the loss to the Kotsebue Police Department on March 5, 1974, the day the loss was discovered. She also reported it to the Agency Office in Nome, Alaska, which notified the Secret Service and the FBI. The police report indicates that the Social Service Office's front door lock was broken and the door forced open. The safe with $407.38 was missing. Sled tracks and footprints were found outside the building. The sled tracks were followed to an abondoned house where the safe was found with its door taken off and $334.42 in currency missing.

At no time was the cashier suspected of being guilty of the wrongdoing, nor does the record indicate that she was negligent. The fact that the front door was forced and the safe was broken open indicates that both were properly locked. A letter in the file from the Nome Agency states that the cashier may have had too much cash on hand. Although this Office has held that an accountable officer may be liable for moneys held in excess of a specified maximum, there does not appear to have been any maximum amount specified in this case. See B-164449, supra.

Accordingly, this Office concurs in the administrative finding of no fault on the part of the accountable officer and directs that relief be granted and the

adjustment be made as requested.

Attention is invited to our letter of August 14, 1974, B-161457, to the Heads of Federal Departments and Agencies (copy enclosed), increasing the limit on the administrative resolution of irregularities in the accounts of an accountable officer from $150 to $500. In the future, incidents of this nature involving amounts under $500 may be resolved by appropriate administrative action.

Sincerely yours,

Paul G. Dembling General Counsel

Enclosure

cc: Director, FCMED Chief Disbursing Officer, Treasury Department