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B-185666 July 27, 1976

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Date: 1976-07-27

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Mr. H. Guyford Stever, Director National Science Foundation 1800 G. Street Washington, D.C. 20550

Dear Mr. Stever:

This responds to your letter of April 28, 1976, renewing your request that relief be granted for a loss of $722.65 from the imprest fund account of Navonnna M. Ouinette, Class "A" Cashier of the Foundation in Washington, D.C.

The information originally submitted indicated that on April 22, 1974, Mrs. Ouinette unlocked her safe drawer and discovered that the cash box was missing. She reported the loss to her supervisor, and it was subsequently reported to the Treasury Department, the Secret Service, the Federal Bureau of Investigation, the District of Columbia Police, and appropriate Foundation officials. On the basis of its own investigation the Foundation determined that the shortage occurred without fault or negligence on the part of Mrs. Ouinette, notwithstanding the fact that the other investigations had not yet determined how, or through whose fault, the loss occurred.

Both the Foundation and the Department of the Treasury have recommended that our Office relieve Mrs. Ouinette of liability for the missing funds pursuant to 31 U.S.C. Section 82a-1 (1970). Prerequisite to our consideration of the request for relief, the statute requires an administrative determination:

1. that such loss * * * occurred while such officer or agent was acting in the discharge of his official duties * * *; and

2. that such loss * * *occurred without fault or negligence on the part of such officer or agent.

In the absence of such a determination and additional information, however, our Office was unable as we advised in our letter of February 25, 1976, B-185666, to grant the requested relief.

Information subsequently submitted indicates that the Cashier's Office is specially locked every evening, tha there was evidence of fored entry on onl the door to the Cashier's Office, and that the cash box was found i the men's room on the second floor. We are also informed that Mrs. Ouinette, as Principal Cashier, was discharging her official duties when she opened her safe drawer on the morning when the loss was discovered. We ascertained informally from Mr. John Harrigan of the Foundation that Mrs. Ouinette had a safe drawer and a cash

box assigned for her use; similarly, the two alternate cashiers each had a separate drawer combination, which had been changed on March 29, 1974 by american Safe and Lock Company, and a key to the cash box kept in that drawer were Mrs. Ouinette and her supervisor, Mrs. Heller. Mrs. Heller also had the alternate cashiers' drawer combinations and duplicate cash box keys, which she kept in a sealed envelope in her desk drawer. Although the Secret Service and the Federal Bureau of Investigation subsequently closed their files concerning the instant loss, the FBI's report indicated that the combinations and keys were kept in an unlocked desk drawer.

The United States Treasury Manual of Procedures and Instructions for Cashiers states at section 4, paragraph 0409:

"It is suggested that, in line with good administrative practice, the safe combination and duplicate key to the cash box in which imprest funds are held be placed in a seled, signed, and dated envelop for retention in a secure place, unopened, by the administrative officer at the station for use only in the event of an emergency.* * *" (Emphasis added.)

While Mrs. Ouinette's conduct in allowing her key and combination to be kept in an unlocked drawerd was negligent, it was apparently not the proximate cause of the loss. From the information provided, the keys and combinations were retained in a sealed envelope, and the seal was intact subsequent to discovery of the loss. Regardless of the manner in which the combinations and keys were stored, there was no evidence to show that they were used in obtaining the missing funds.

Mrs. Ouinette claimed that she locked the safe in which she had placed the cash box at 5:15 to 5:20 p.m. on Friday, April 1974, and there is nothing in the file to controvert her statement. the disappearance of the cash box and its contents from the safe indicates that the loss was due to theft. Although her acquiescence in retention of the safe combinations and key in an unlocked desk drawer, thereby rendering them accessible to anyone in the office, was negligence this negligence was not the proximate cause of the loss and there was no other evidence of negligence on her part.

Under similar circumstances we have consistently held that relief should be granted, despite the fact that investigations could not identify the time, manner, or prepetrator of the sortage. See, e.g., B-180958, August 20, 1975; B-183284, June 17, 1975; B-182477, December 16, 1974; B-182472, December 13, 1974; ef. B-167827, February 4, 1975.

You have determined that the loss occurred while Mrs. Ouinette was seting in the discharge of her official duties and without fault or negligence on her part. We concur in this administrative determination. Accordingly, relief in the amount of $722.65 is granted to Mrs. Navonna M. Ouinette under the provisions of 31 U.S.C. Section 82a-1 (1970). A charge may be made to the National Science Foundation Administrative Operations Fund as proposed.

We note that remedial action has been taken to safeguard the cash box keys and safe combinations in order to provide additional protection for imprest fund cash.

Sincerely yours,

MILTON SOCOLAR

FOR Paul G. Dembling General Counsel