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B-199790, Aug 26, 1980

Number: B-199790

Date: 1980-08-26

B-199790, AUG 26, 1980

OFFICE OF GENERAL COUNSEL

DENNIS J. KEILMAN, GENERAL SERVICES ADMINISTRATION:

YOU RECENTLY REQUESTED THAT OUR OFFICE RELIEVE MR. RICHARD HENSEL, AN EMPLOYEE OF THE GENERAL SERVICES ADMINISTRATION (GSA) OF LIABILITY FOR A SHORTAGE IN AN IMPREST FUND. THE SHORTAGE OCCURRED WHILE MR. HENSEL SERVED AS ALTERNATE IMPREST FUND CASHIER IN THE TWIN CITIES INTERAGENCY MOTOR POOL, MINNEAPOLIS, MINNESOTA, OF THE GENERAL SERVICES ADMINISTRATION.

THE CASH BOX CONTAINED $501.05 CASH FROM THE IMPREST FUND AS WELL AS 21 INVOICES TOTALING $374.55, MAKING A TOTAL LOSS OF $875.60. THE SHORTAGE WAS REPORTED TO THE FEDERAL PROTECTION SERVICE, THE FEDERAL BUREAU OF INVESTIGATION AND THE LOCAL POLICE. SUBSEQUENTLY, THE PAYMENTS REPRESENTED BY THE VOUCHERS WERE VERIFIED AND THE SHORTAGE IN MR. HENSEL'S ACCOUNT REDUCED TO $501.05.

PURSUANT TO 31 U.S.C. SEC. 82A-1, YOU HAVE MADE THE REQUIRED FINDINGS THAT THE SHORTAGE OCCURRED WHILE MR. HENSEL WAS DISCHARGING HIS OFFICIAL DUTIES, AND THAT IT WAS NOT THE RESULT OF HIS FAULT OR NEGLIGENCE. GRANT RELIEF, THIS OFFICE MUST CONCUR IN THESE DETERMINATIONS AFTER CONSIDERATION OF THE PERTINENT FINDINGS.

ON SEPTEMBER 8, 1978, AFTER MAKING A PAYMENT, YOU INDICATE THAT MR. HENSEL CONTENDS THAT HE CLOSED THE SAFE DOOR AND TURNED THE WHEEL, WHICH SEMI-LOCKED THE SAFE. SHORTLY AFTER NOON, MR. HENSEL DISCOVERED HIS SAFE WAS OPEN AND HIS CASH BOX MISSING. THE RECORD DOES NOT INDICATE THAT THERE IS ANY EVIDENCE THAT THE SAFE WAS FORCIBLY OPENED.

IT IS NOT CLEAR WHAT ACTION THE CASHIER TOOK TO SECURE THE SAFE AFTER HE MADE THE PAYMENT. NOR IS IT CLEAR WHAT "SEMI-LOCKING" A SAFE IS. HOWEVER, IN THE ABSENCE OF ANY OTHER EXPLANATION, IT APPEARS THAT MR. HENSEL MAY NOT HAVE COMPLETELY SECURED THE SAFE, LEAVING IT SO THAT IT MIGHT BE FAIRLY EASILY OPENED, AND THAT HE LEFT THE SAFE SUFFICIENTLY UNATTENDED THAT SOMEONE COULD OPEN THE SAFE AND REMOVE THE CASH BOX. WE HAVE PREVIOUSLY HELD IN SOMEWHAT SIMILAR SITUATIONS THAT SUCH LACK OF CAUTION IS NEGLIGENT. B-188733, JANUARY 17, 1980; B-188773, MARCH 29, 1979; AND B-183559, AUGUST 28, 1975. IN ANY EVENT, MR. HENSEL HAS FAILED TO DEMONSTRATE THAT HE PROPERLY SAFEGUARDED THESE FUNDS.

BASED ON THE FACTS CONTAINED IN THE PRESENT RECORD WE CANNOT CONCUR IN THE ADMINISTRATIVE DETERMINATION THAT THE LOSS OCCURRED WITHOUT FAULT OR NEGLIGENCE ON THE PART OF MR. HENSEL. HENCE, WE CANNOT GRANT RELIEF UNDER 31 U.S.C. SEC. 82A-1.