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B-210358, Jul 21, 1983, Office of General Counsel

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B-210358, JUL 21, 1983, OFFICE OF GENERAL COUNSEL

THE HONORABLE G. RAY ARNETT, ASSISTANT SECRETARY FOR FISH AND WILDLIFE AND PARKS, U.S. DEPARTMENT OF THE INTERIOR:

YOU REQUEST RELIEF ON BEHALF OF CLASS D CASHIER, JAMES W. HUSKEY AND OTHERS FOR A MONEY LOSS SUFFERED IN THE EARLY MORNING HOURS OF SATURDAY, APRIL 17, 1982, RESULTING FROM A PRESUMED BURGLARY OF A SAFE AT CADES COVE CAMPGROUND, GREAT SMOKEY MOUNTAINS NATIONAL PARK, TENNESSEE. WE ARE RETURNING THIS MATTER FOR YOUR FURTHER ADMINISTRATIVE ACTION AS DISCUSSED BELOW.

AT 2:00 A.M. ON APRIL 17, PARK RANGERS RESPONDED TO A FIRE IN A BUILDING CONTAINING PARK RECORDS AND A SAFE. THE FIRE TOTALLY DESTROYED THE BUILDING AND FEE COLLECTION RECORDS SUCH AS SHIFT REPORTS WITHIN IT. WHEN THE SAFE WAS OPENED, AN ESTIMATED $2,900 WAS MISSING FROM THE SAFE. THE NATIONAL PARK SERVICE'S REGIONAL LAW ENFORCEMENT SPECIALIST, THE FBI, AND SECRET SERVICE WERE NOTIFIED OF THE FIRE AND LOSS OF FUNDS. THE FBI AND THE NATIONAL PARK SERVICE OFFICIALS CONCLUDED THAT A FORCED ENTRY INTO THE SAFE, AND ENSUING FIRE, DESTROYED EVIDENCE THAT COULD HELP RESOLVE THE LOSS OF FUNDS. NO SUSPECT HAS BEEN DESIGNATED.

JAMES W. HUSKEY, CLASS D CASHIER, HEADQUARTERED NEAR GATLINBURG, TENNESSEE, MADE AVAILABLE TO JUDY C. JOHNS AND JERRY LAYTON, COLLECTION OFFICERS, $50 EACH FOR CHANGE-MAKING PURPOSES AT CADES COVE CAMPGROUND. ACCORDING TO INFORMATION PROVIDED INFORMALLY BY DEPARTMENT OF INTERIOR PERSONNEL FAMILIAR WITH THIS CASE BOTH OF THESE COLLECTION OFFICERS HAD ACCESS TO THE DIAL LOCK SAFE AT CADES COVE. AT THE CLOSE OF BUSINESS ON APRIL 16, JUDY JOHNS WAS PREPARING THE CAMPGROUND RECEIPTS FOR BANK DEPOSIT IN ACCORDANCE WITH NATIONAL PARK SERVICE GUIDELINES. HOWEVER, A LAW ENFORCEMENT INCIDENT IN THE PARK INTERRUPTED MS. JOHNS AND SHE WAS UNABLE TO MAKE THE DEPOSIT. JERRY LAYTON, ANOTHER OF THE COLLECTION OFFICERS, WHO ALSO HAD ACCESS TO THE SAFE, PLACED THE ESTIMATED $2,900 IN THE SAFE AND LOCKED IT. A TOTAL OF EIGHT PARK CASHIERS HAD ACCESS TO THE SAFE.

YOU ASK THAT THE AMOUNT OF $100 IN CHANGE-MAKING FUNDS BE RESTORED UNDER THE PROVISIONS OF 7 GAO 28.14(3) AND THAT THE COLLECTION OFFICERS RESPONSIBLE FOR THE ESTIMATED $2,800 IN CAMPGROUND RECEIPTS BE RELIEVED FROM ANY LIABILITY IN REIMBURSING THE GOVERNMENT FOR THE LOST FUNDS. YOU STATE THE LOSS WAS NOT THE RESULT OF BAD FAITH OR LACK OF DUE CARE ON THE PART OF MR. HUSKEY OR THE COLLECTION OFFICERS.

GAO HAS DELEGATED AUTHORITY TO AGENCY AND DEPARTMENT HEADS TO ADMINISTRATIVELY RESOLVE CERTAIN IRREGULARITIES IN THE ACCOUNTS OF ACCOUNTABLE OFFICERS. THIS

AUTHORIZATION APPLIES TO PHYSICAL LOSSES OR DEFICIENCIES OF LESS THAN $500. SEE 54 COMP.GEN. 112 (1974).

JUDY C. JOHNS AND JERRY LAYTON WERE THE ONLY ACCOUNTABLE OFFICERS FOR WHOM RELIEF IS REQUESTED THAT CLEARLY WERE AT ANY TIME IN CONTROL OF MORE THAN $500 OF GOVERNMENT FUNDS LOST AT THE CAMPGROUND. THEIR RESPONSIBILITY FOR THESE FUNDS STEMS FROM HAVING RECEIVED THE MONEY FROM THE OTHERS BEFORE IT WAS PLACED IN THE SAFE.

THE OTHER COLLECTION OFFICERS MAY NO LONGER HAVE BEEN ACCOUNTABLE, IF THEY HAD TURNED THEIR RECEIPTS OVER TO A PERSON AUTHORIZED TO ASSUME CONTROL OF THE FUNDS FROM THEM. ALSO IT IS NOT CLEAR THAT ANY OF THE OTHER SIX COLLECTION OFFICERS EVER HAD OVER $500 IN THEIR POSSESSION. DIVIDING THE $2,800 OF RECEIPTS BY EIGHT, THE AVERAGE COLLECTION OFFICER RECEIVED $350 IN FEES. ADDING THE $50 CHANGE-MAKING FUNDS WOULD HAVE RAISED TWO TOTALS TO $400. AT LEAST THREE AND POSSIBLY ALL OF THE COLLECTION OFFICERS, THEREFORE, HAD LESS THAN $500 IN THEIR POSSESSION WHEN THEY TURNED THEIR MONEY IN AT THE END OF THE DAY. IT WOULD SEEM TO US POSSIBLE TO IDENTIFY WHICH OF THE COLLECTION OFFICERS HAD LESS THAN $500 BY ANALYZING THE INFORMATION USED TO REACH THE $2,800 ESTIMATED TOTAL OF RECEIPTS AND THE RECEIPT RECORDS FROM COMPARABLE DAYS. WE NOTE THAT THE ESTIMATED COLLECTIONS WERE RAISED IN YOUR LETTER FROM THE $2,600 ESTIMATE IN THE MAY 19 MEMORANDUM OF THE PARK SERVICES ASSOCIATION REGIONAL DIRECTOR FOR ADMINISTRATION. MR. HUSKEY, WHO IS NOT A COLLECTION OFFICER, IS ONLY INVOLVED IN $100 OF THE TOTAL LOSS.

ACCORDINGLY, MR. HUSKEY AND THOSE COLLECTION OFFICERS YOU DETERMINE TO HAVE HAD LESS THAN $500 IN THEIR CONTROL DURING APRIL 16 SHOULD BE RELIEVED, IF AT ALL, UNDER THE AUTHORITY DELEGATED TO YOUR AGENCY.

AS TO JUDY JOHNS AND JERRY LAYTON, WE ARE UNABLE TO GRANT RELIEF AT THIS TIME DUE TO THE ABSENCE OF SUFFICIENT INFORMATION FOR US TO AGREE WITH YOUR RECOMMENDATION FOR RELIEF. YOUR WRITTEN REQUEST CONTAINS NO DETAILED INFORMATION CONCERNING THE HANDLING OF THE MONEY BY MS. JOHNS AND MR. LAYTON. FURTHER, THERE IS NO EXPLANATION OF WHO THE PERSONNEL WERE THAT FAILED TO FOLLOW FEE COLLECTION GUIDE PROCEDURES OR WHAT PROCEDURE WAS SUBSTITUTED FOR THAT IN THE GUIDE. FROM THE INFORMATION WE HAVE IT IS NOT CLEAR WHEN THE LOST MONEY SHOULD HAVE BEEN DEPOSITED IN A BANK AND WHO WAS RESPONSIBLE FOR DOING SO. WE ALSO HAVE LEARNED THROUGH TELEPHONE INQUIRIES THAT MS. JOHNS WAS INTERRUPTED IN HER DUTIES WHILE PREPARING A BANK DEPOSIT RECEIPT FOR THE COLLECTIONS AND THAT MR. LAYTON THEN PLACED THE RECEIPTS IN THE SAFE AND LOCKED IT. THERE IS NO EXPLANATION OF THE INTERRUPTION. WE ALSO LEARNED THAT THE PARK SERVICE REGIONAL OFFICE HAD TOLD SOMEONE AT CADES COVE TO CHANGE THE SAFE COMBINATION WHICH HAD NOT BEEN DONE AT THE TIME OF THE FIRE AND THAT NO ONE HAD FORMALLY BEEN DESIGNATED RESPONSIBLE FOR DEPOSITING RECEIPTS AT THE CAMPGROUND. MOREOVER, IT IS NOT CLEAR FROM YOUR SUBMISSION WHY THE INVESTIGATORS CONCLUDED THAT THERE WAS A BURGLARY OR WHY THEY BELIEVE IT TOOK PLACE SHORTLY BEFORE THE FIRE WAS DISCOVERED.

IF YOU DECIDE TO SUBMIT A REQUEST FOR RECONSIDERATION, YOU SHOULD PROVIDE US WITH INFORMATION THAT WILL CLARIFY THE FACTS SURROUNDING THE LOSS IN QUESTION.