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[Army Request for Relief for Member's Improper Payment]

Number: B-215737

Date: 1984-11-05

B-215737, NOV 5, 1984, OFFICE OF GENERAL COUNSEL

ACCOUNTABLE OFFICERS - RELIEF - REQUIREMENTS FOR GRANTING - RELIEF OF SUPERVISOR DIGEST: RELIEF GRANTED AN ARMY SUPERVISOR DISBURSING OFFICER WHERE A SUBORDINATE ADMITTED THAT AN ERRONEOUS PAYMENT WAS THE RESULT OF NOT FOLLOWING PROCEDURES WHEN THE SUBORDINATE PAID THE WRONG PERSON FOR A TRAVEL VOUCHER.

MR. CLYDE E. JEFFCOAT PRINCIPAL DEPUTY COMMANDER U.S. ARMY FINANCE AND ACCOUNTING CENTER INDIANAPOLIS, INDIANA 46249

DEAR MR. JEFFCOAT:

THIS RESPONDS TO YOUR REQUEST THAT WE RELIEVE MAJOR D. G. SANDT, FINANCE AND ACCOUNTING OFFICER, UNDER 31 U.S.C. SEC. 3527(C) FOR AN IMPROPER PAYMENT OF $164 CHARGED TO HIS ACCOUNT. FOR THE REASONS STATED BELOW, RELIEF IS GRANTED.

ON DECEMBER 2, 1983, MS. KIM L. LONG, A CASHIER WORKING UNDER MAJOR SANDT'S COMMAND, ERRONEOUSLY MADE A PAYMENT OF $208 TO CARL L. DURGAN. MR. DURGAN WAS ENTITLED ONLY TO A PAYMENT OF $44. HOWEVER, THE TRAVEL VOUCHER PROVIDED BY MR. DURGAN HAD ACTUALLY BEEN ISSUED TO SP4 EDWARD A. BECERRA FOR $208. THE CASHIER, MS. LONG, FAILED TO COMPARE THE SIGNATURE ON MR. DURGAN'S IDENTIFICATION CARD WITH THE NAME ON THE TRAVEL VOUCHER. SP4 BECERRA WAS SUBSEQUENTLY PAID THE PROPER AMOUNT OF $208. MR. DURGAN'S $44 VOUCHER WAS PROCESSED TO OFFSET THE AMOUNT OWED BY HIM; $164 IS STILL OWED BY MR. DURGAN. UNSUCCESSFUL ATTEMPTS HAVE BEEN MADE TO CONTACT MR. DURGAN TO COLLECT THIS IMPROPER PAYMENT.

SUBSEQUENT INVESTIGATION REVEALED THAT ESTABLISHED PROCEDURES, WHEN FOLLOWED, WOULD PRECLUDE THIS TYPE OF ERRONEOUS PAYMENT. THE INSTRUCTIONS FOR CASHIERS ISSUED BY THE FINANCE AND ACCOUNTING OFFICE PROVIDE THAT UPON PAYMENT OF A VOUCHER, CORRECT IDENTIFICATION AND SIGNATURE MUST BE OBTAINED. HAD MS. LONG COMPARED MR. DURGAN'S SIGNATURE WITH THE NAME ON THE VOUCHER SHE PAID, SHE WOULD HAVE DETECTED HER ERROR.

AN ACCOUNTABLE OFFICER IS LIABLE FOR ERRONEOUS PAYMENTS MADE BY SUBORDINATES. RELIEF CAN BE GRANTED, HOWEVER, WHEN THE IMPROPER PAYMENT IS NOT THE RESULT OF BAD FAITH OR LACK OR DUE CARE ATTRIBUTABLE TO HIM PERSONALLY. WHERE THE ERRONEOUSLY PAID FUNDS ARE HANDLED EXCLUSIVELY BY A SUBORDINATE, RELIEF WILL BE GRANTED WHERE THE DISBURSING OFFICER PROPERLY SUPERVISED HIS SUBORDINATE BY MAINTAINING AND POLICING AN ADEQUATE SYSTEM OF PROCEDURES AND CONTROLS TO AVOID ERRORS. 62 COMP.GEN. 476, 480 (1983).

IN THIS CASE THESE CONDITIONS ARE MET. THE ERRONEOUS PAYMENT WAS DUE SOLELY TO THE CASHIER NOT FOLLOWING INSTRUCTIONS. THE INSTRUCTIONS PROVIDED BY THE FINANCE

AND ACCOUNTING OFFICER, IF FOLLOWED, WOULD HAVE AVOIDED THE ERROR. THERE IS, FURTHERMORE, NO INDICATION IN THIS CASE OF INADEQUATE SUPERVISION SINCE MS. LONG RECOGNIZED HER MISTAKE AND BROUGHT IT TO THE ATTENTION OF HER SUPERVISOR.

TO BE RELIEVED OF LIABILITY, AN ACCOUNTABLE OFFICER MUST ALSO MEET THE GENERAL CONDITIONS SET FORTH IN 31 U.S.C. SEC. 3527(C). THE PAYMENT MUST NOT HAVE BEEN THE RESULT OF BAD FAITH OR LACK OF REASONABLE CARE BY THE OFFICIAL, AND DILIGENT COLLECTION ACTION MUST BE CARRIED OUT BY THE AGENCY. BOTH THESE CONDITIONS ARE MET IN THIS CASE.

THEREFORE, UNDER THE AUTHORITY CONTAINED IN 31 U.S.C. SEC. 3527(C), RELIEF IS HEREBY GRANTED TO MAJOR D. G. SANDT. TO THE EXTENT THAT COLLECTION EFFORTS AGAINST CARL C. DURGAN ARE UNSUCCESSFUL, MS. KIM L. LONG IS LIABLE FOR THE ERRONEOUS PAYMENT OF $144.