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[Request for Relief for Army Disbursing Officer and Cashier]

Number: B-217440

Date: 1985-02-13

B-217440, FEB 13, 1985, OFFICE OF GENERAL COUNSEL

DISBURSING OFFICERS - RELIEF - ERRONEOUS PAYMENTS - NOT RESULT OF BAD FAITH OR NEGLIGENCE RELIEF GRANTED TO DISBURSING OFFICER AND CASHIER UNDER SECTION 3527(C) OF TITLE 31 OF THE UNITED STATES CODE FOR IMPROPER PAYMENT OF TRAVEL VOUCHER WHERE THE DISBURSING OFFICER MAINTAINED AN ADEQUATE SYSTEM OF PROCEDURES TO SAFEGUARD THE FUNDS FOR WHICH HE WAS ACCOUNTABLE, THE CASHIER WAS COMPLYING WITH THOSE PROCEDURES WHEN PROCESSING THE TRAVEL VOUCHERS AND WHERE THE IMPROPER PAYMENT RESULTED FROM CRIMINAL ACTIVITY OVER WHICH NEITHER DISBURSING OFFICER NOR CASHIER HAD ANY CONTROL.

MR. CLYDE E. JEFFCOAT: PRINCIPAL DEPUTY COMMANDER UNITED STATES ARMY FINANCE AND ACCOUNTING CENTER INDIANAPOLIS, INDIANA 46249

DEAR MR. JEFFCOAT:

YOU HAVE REQUESTED RELIEF UNDER SECTION 3527(C) OF TITLE 31 OF THE U.S.C. FOR DISBURSING OFFICER SIGMUND GAST AND CASHIER LOIS M. TRUITT FOR AN IMPROPER PAYMENT OF $2,250. FOR THE REASONS GIVEN BELOW, YOUR RELIEF REQUESTED IS GRANTED.

YOU STATE THAT ON AUGUST 1, 1983, A MAN IDENTIFYING HIMSELF AS LIEUTENANT COLONEL DAVID O. TREADWELL WALKED INTO THE ABERDEEN PROVING GROUND FINANCE AND ACCOUNTING OFFICE, PRESENTED A DD FORM 1610-- A REQUEST AND AUTHORIZATION FOR TDY TRAVEL OF DOD PERSONNEL-- AND REQUESTED A TRAVEL ADVANCE OF $2,250, CLAIMING HE WAS TO BE ASSIGNED TO THE SACRAMENTO ARMY DEPOT IN SACRAMENTO, CALIFORNIA. BASED UPON WHAT APPEARED TO BE VALID DOCUMENTATION THAT THE MAN PRESENTED TO SUPPORT HIS CLAIM, VOUCHER EXAMINER MS. LUDMILLA CIZEWSKI PREPARED THE PROPER TRAVEL VOUCHER. ACCORDANCE WITH THE USUAL PROCEDURES, CASHIER TRUITT THEN VERIFIED THE CREDENTIALS PRESENTED AND MADE A CASH PAYMENT OF $2,250 TO THE INDIVIDUAL PURPORTING TO BE MR. TREADWELL.

WHEN THE ABERDEEN PROVING GROUND FINANCE AND ACCOUNTING OFFICE SOUGHT TO BE REIMBURSED FOR THE $2,250 PAYMENT BY THE SACRAMENTO ARMY DEPOT, THE LATTER REFUSED TO PAY SINCE IT HAD NO INDIVIDUAL NAMED DAVID O. TREADWELL. A SUBSEQUENT INVESTIGATION SHOWED THAT LTC TREADWELL WAS ASSIGNED TO THE PENTAGON IN WASHINGTON, D.C.; THAT HIS WALLET AND IDENTIFICATION CARD HAD BEEN STOLEN IN JULY 1982 FROM HIS WALL LOCKER AT THE PENTAGON ATHLETIC FACILITY; AND THAT THE INDIVIDUAL POSING AS TREADWELL SUCCESSFULLY OBTAINED TRAVEL ADVANCES FROM SEVERAL OTHER FINANCE AND ACCOUNTING OFFICES ALONG THE EAST COAST. ALTHOUGH A WARNING WAS GIVEN LATER, THE RECORD SUGGESTS THAT AT THE TIME OF THE $2,250 LOSS THE ARMY HAD NOT YET ISSUED A BULLETIN INFORMING ITS ACCOUNTABLE OFFICERS THAT THE MAN PURPORTING TO BE TREADWELL WAS AN IMPOSTER.

THE INDIVIDUAL IMPERSONATING LTC TREADWELL WAS APPREHENDED IN AUGUST 1984, AND IDENTIFIED AS JOHN T. THOMAS, A RETIRED ARMY LIEUTENANT COLONEL. SUBSEQUENTLY, HE ADMITTED MAKING AND PRESENTING BOGUS TDY VOUCHERS AT VARIOUS MILITARY INSTALLATIONS IN THE NAME OF MR. TREADWELL.

BASED ON YOUR INVESTIGATION, YOU STATE THAT MR. THOMAS' PHYSICAL APPEARANCE WAS SUFFICIENTLY SIMILAR TO THE PICTURE ON THE IDENTIFICATION CARD HE PRESENTED SO THAT THE CASHIER, MS. TRUITT, WOULD NOT HAVE ANY REASON TO SUSPECT HIM. ACCORDINGLY, YOU CONCLUDE THAT THE IMPROPER PAYMENT DID NOT RESULT FROM BAD FAITH OR LACK OF REASONABLE CARE ON THE PART OF MS. TRUITT. WE AGREE WITH YOUR CONCLUSIONS AND HEREBY GRANT RELIEF TO MS. TRUITT FOR THE $2,250 LOSS PURSUANT TO 31 U.S.C. SEC. 3527(C).

THE RECORD DEMONSTRATES THAT MS. TRUITT'S SUPERVISOR, MR. GAST, MAINTAINED AN ADEQUATE SYSTEM OF PROCEDURES TO SAFEGUARD THE FUNDS FOR WHICH HE WAS ACCOUNTABLE, AND THAT HIS EMPLOYEES, MS. TRUITT AND MS. CIZEWSKI, WERE COMPLYING WITH THESE PROCEDURES WHEN THEY PROCESSED THE TRAVEL ADVANCES. FURTHERMORE, THERE IS NOTHING IN THE RECORD SHOWING THAT MR. GAST OR MS. TRUITT FAILED TO EXERCISE DUE CARE.

WITH REGARD TO COLLECTION, YOU STATE THAT YOU INTEND TO HAVE THE $2,250 LOSS REPAID BY SETTING IT OFF AGAINST MR. THOMAS' RETIRED PAY AT A RATE OF $225 PER MONTH, BEGINNING JANUARY 1, 1985, UNTIL THE FULL AMOUNT IS PAID. WE HAVE NO OBJECTION TO THIS PROCEDURE.