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B-217773, Mar 18, 1985, Office of General Counsel

Number: B-217773

Date: 1985-03-18

B-217773, MAR 18, 1985, OFFICE OF GENERAL COUNSEL

ACCOUNTABLE OFFICERS - PHYSICAL LOSSES, ETC. OF FUNDS., VOUCHERS, ETC. - CASHIERS, ETC. - RELIEF GRANTED DIGEST: VA CASHIER IS RELIEVED OF LIABILITY UNDER 31 U.S.C. 3527(A) FOR A LOSS BY THEFT OF $5,024. THE CASHIER WAS REPLENISHING HER FUNDS WHEN ROBBED AT GUN POINT. THERE IS NO INDICATION OF FAULT OR NEGLIGENCE ON HER PART.

MR. CONRAD R. HOFFMAN: DIRECTOR, OFFICE OF BUDGET AND FINANCE (CONTROLLER) VETERANS ADMINISTRATION WASHINGTON, D.C. 20420

THIS IS IN RESPONSE TO YOUR LETTER OF FEBRUARY 2, 1985, REQUESTING RELIEF UNDER 31 U.S.C. SEC. 3527 FOR MS. ELAINE RAYNER, AGENT CASHIER, VETERANS ADMINISTRATION MEDICAL CENTER, COATESVILLE PENNSYLVANIA, FOR A LOSS BY THEFT OF $5,024. FOR THE REASONS BELOW, RELIEF IS GRANTED.

ON JUNE 4, 1984, AT APPROXIMATELY 10:43 A.M., MS. ELAINE RAYNER, AGENT CASHIER, WAS RETURNING FROM A LOCAL BANK WITH $5,024 OF THE MEDICAL CENTER FUNDS TO BE USED TO REPLENISH HER FUNDS. SHE WAS RIDING IN A VETERANS ADMINISTRATION POLICE VEHICLE ESCORTED BY TWO INDIVIDUALS, ONE OF WHOM WAS A MEMBER OF THE VETERANS ADMINISTRATION HOSPITAL POLICE FORCE. DUE TO AN APPARENTLY DISABLED CAR BLOCKING THE ROAD UPON WHICH THEY WERE PROCEEDING, MS. RAYNER AND HER ESCORTS WERE FORCED TO STOP. IMMEDIATELY, TWO INDIVIDUALS ARMED WITH PISTOLS APPROACHED THE POLICE VEHICLE AND DEMANDED THE FUNDS IN MS. RAYNER'S POSSESSION. SHE GAVE THEM THE FUNDS. THE PROPER AUTHORITIES WERE NOTIFIED AND AN INVESTIGATION COMMENCED THAT APPARENTLY DID NOT RESULT IN APPREHENSION OF THE ROBBERS. THERE IS NO EVIDENCE THAT MS. RAYNER WAS AT FAULT IN ANY WAY FOR THE LOSS.

IN ORDER TO GRANT RELIEF, WE MUST CONCUR IN THE AGENCY HEAD'S DETERMINATION THAT THE LOSS OCCURRED WHILE THE ACCOUNTABLE OFFICER WAS ACTING IN THE DISCHARGE OF HER OFFICIAL DUTIES, AND THAT THE LOSS OCCURED WITHOUT FAULT ON HER PART. 31 U.S.C. SEC. 3527(A). IN THIS CASE, MS. RAYNER WAS CARRYING OUT OFFICIAL DUTIES DURING HER NORMAL DUTY HOURS, AND THERE IS NO INDICATION OF FAULT OR NEGLIGENCE ON HER PART CONTRIBUTING TO THE ROBBERY.

ACCORDINGLY, WE GRANT RELIEF TO MS. RAYNER FROM LIABILITY FOR THE LOSS OF $5,024.