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B-235458, Aug 23, 1990

Number: B-235458

Date: 1990-08-23

B-235458, Aug 23, 1990

APPROPRIATIONS/FINANCIAL MANAGEMENT - Accountable Officers - Cashiers - Relief - Physical losses - Theft DIGEST: Under the provision of 31 U.S.C. Sec. 3527(a), we grant relief from liability for a loss of $28,960 to a Veterans Administration (VA) Medical Center Alternate Agent Cashier. The loss resulted from a robbery by an unknown assailant. The FBI determined that the Alternate Agent Cashier was not implicated in the robbery and the agency head concluded he was carrying out his duties and was not at fault at the time of the incident.

Conrad R. Hoffman

Director, Office of

Budget and Finance (Controller)

Department of Veterans Affairs:

This is in response to your request of May 4, 1989, that we grant relief from liability under 31 U.S.C. 3527 to Mr. Jeffery Dietel, Alternate Agent Cashier, at the Veterans Administration Medical Center, Portland, Oregon, for the physical loss of $28,960 from the account of the Agent Cashier. We hereby grant your request and relieve Mr. Dietel from liability for the loss.

On the morning of February 13, 1989, Mr. Dietel was on duty alone as the cashier in the Agent Cashier's Office at the Portland Medical Center. approximately 9:10 a.m., he left the office; when he returned, he did not hear the door close and automatically lock behind him, as usual. turned around to investigate the cause and observed that a male, approximately 35 years old, armed with a pistol, had followed him into the office. He began to scuffle with the armed man and was knocked unconscious. At approximately 9:30 a.m., Mr. Dietel was found unconscious on the floor. The safe was open and one of four metal cash boxes was lying open and empty on the floor in front of the safe.

An investigation of the incident was conducted by the VA Security Service, the Portland Police Bureau and the Federal Bureau of Investigation (FBI). The perpetrator was not apprehended. VA officials conducted an audit of the funds held by the Agent Cashier and determined that the robbery resulted in a loss of $28,960.

The Director of the Portland Medical Center, after reviewing the reports of investigation, determined that Mr. Dietel was carrying out his official duties when the incident occurred and was without fault regarding the loss.

Under 31 U.S.C. Sec. 3527(a), this Office may relieve an accountable officer of liability for physical loss of government funds if it concurs with the determination by the head of the agency, or any official delegated such authority, that the loss occurred while the officer was acting in his or her official capacity and was not the result of fault or negligence on the part of the officer. B-226695, May 26, 1987. The record before us indicates that the loss was the result of an armed robbery. Your investigation of the robbery found no evidence to implicate Mr. Dietel, a conclusion in which the FBI concurs. In similar instances, we have relieved accountable officers. See B-207821, Oct. 12, 1982; B-190923, Dec. 5, 1978.

This Office concurs in the findings of the Department that Mr. Dietel was acting in discharge of his official duties and that he was without fault or negligence. Accordingly, we grant Mr. Dietel relief from liability for the loss.