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B-239780, Jun 18, 1990, Office of General Counsel

Number: B-239780

Date: 1990-06-18

B-239780, Jun 18, 1990, Office of General Counsel

APPROPRIATIONS/FINANCIAL MANAGEMENT - Accountable Officers - Cashiers - Relief - Physical losses - Theft DIGEST: We grant relief from liability to Ms. Maimuna Sanyang, cashier, U.S. Embassy, Banjul, The Gambia, for the physical loss of 19,780 dalasis (U.S. dollar equivalent of $2,997), apparently the result of a burglary. grant relief in instances such as this when the evidence is clear that a theft took place, and the investigation reveals no connection between the theft and the accountable officer.

Mr. Dudley:

This is in response to your request, dated May 22, 1990, that we grant relief from liability under 31 U.S.C. Sec. 3527 to Ms. Maimuna Sanyang, Class B Cashier, U.S. Embassy, Banjul, The Gambia, for the physical loss of 19,780 dalasis (U.S. dollar equivalent of $2,997), apparently the result of a burglary. We hereby grant your request and relieve Ms. Sanyang from liability for the loss.

On the morning of December 13, 1988, Ms. Sanyang discovered that the door to her cashier office had been broken open. She found her safe lying on its side with a hole on the bottom surface. Embassy officials determined that 19,780 dalasis were missing. An investigation by the Department's Regional Security Officer, Dakar and local police concluded that local security guards had probably hidden in the building after closing hours, and then entered Ms. Sanyang's office and forced open the safe. You advise that the investigation found no indication that Ms. Sanyang was involved; the investigation was closed without recovering any of the lost funds.

This Office may relieve an accountable officer of liability for the physical loss of public funds if we concur 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. 31 U.S.C. Sec. 3527(a). See, e.g., B-226695, May 26, 1987.

In this regard, the Department's Committee of Inquiry into Fiscal Irregularities has determined that Ms. Sanyang was carrying out her official duties at the time of the loss, and was without fault regarding the loss.

We have granted relief when the evidence is clear that a theft took place and the investigation reveals no connection between the theft and the accountable officer. B-234242, Feb. 6, 1990; B-230796, Apr. 8, 1989. therefore concur with

your determination, and grant Ms. Sanyang the relief requested.