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B-78617 June 24, 1949

Number: B-78617

Date: 1949-06-24

B-78617 June 24, 1949

The Honorable The Postmaster General

Dear Mr. Postmaster General:

Reference is made to your letter of May 10, 1949, recommending relief under the act of August 1, 1947, 61 Stat, 720, as to both the Postmaster, New York, New York, and Powha tan Roxie Moore, Jr., of their respective responsibilities with reference to loss of postal funds in the amount of $1,343.79 by burglary on October 27, 1945, at 13876 Branch (Navy 3247, Saipan, Marianas Islands), which matter was the subject of decision B-78617, dated September 15, 1948.

The circumstances surrounding the theft of funds are set forth in detail in the decision of September 15, 1948, and need not be repeated here. Suffice it to say that relief was granted the postmaster, New York, New York, in the amount of $671.89 from Moore, or his assistant, William Van Roy, was proper.

The determination to hold Moore liable for the full amount of the loss was predicated on the fact that he had left them in an unlocked drawer in the post office located in a Quenset hut, whereas, he had an available safe in which to place the funds. Moore had stated that he "throught" he had locked the drawer and that he had been instructed by a postal oficer to place the funds in a safe or vault.

You new point out that no safe or vault such as that contemplated under the regulations had been furnished Moore, and that the box to which the postal officer referred was a box supplied by Moore himself and which he later considered offered no greater security thatn the locker drawer. Also, that undue emphasis has been placed upon Moor's expression that he "thought" he had locked the drawer. Later, under oath at his court martial, he testified that he had locked the drawer.

Upon a reconsideration of the entire matter and in the light of the representations and findings new made by you, I am inclined to the view that there did not exist such fault or negligence on the part of Moore so as to preclude relief under the act of August 1, 1947. Accordingly, I have today instructed the Postal Accounts Division to relieve the postmaster as to the amount of $1,343.79--the amount of $671.90 heretofore collected from Moore to be refunded to his.

Sincerely Your,

Comptroller General of the United States