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United States General Accounting Office
Washington, DC 20548

Hunter SSA
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Office of
General Counsel

In Reply
Refer to: B-199030

August 13, 1980

The Honorable J.A. Doyle
Assistant Secretary of the Navy
(Manpower, Reserve Affairs & Logistics)

Dear Mr. Doyle:

On April 30, 1980, you wrote our Kansas City Regional Office to request that Lieutenant Colonel Irene L. Ray, USMC (Ret.), be relieved from liability for a deficiency in her accounts of \$45,880.64.

You seek relief for her under the provisions of 31 U.S.C. § 95a (1976). As we stated in a June 19, 1980 letter, B-198451, to the Secretary of the Navy, copy enclosed, requests for relief under section 95a should contain sufficient information for us to determine that the employee is a disbursing officer and that the loss was a physical loss rather than one resulting from illegal, improper or erroneous payments.

Accordingly, in order for us to process this request for relief, we will need adequate documentation that this case properly falls under section 95a rather than one of the other relief statutes.

Sincerely yours,

Robert H. Hunter

Robert H. Hunter
Assistant General Counsel

Enclosure





UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

OFFICE OF GENERAL COUNSEL

B-198451

June 19, 1980

The Honorable Edward Hidalgo
Secretary of the Navy

Dear Mr. Secretary:

On May 2, 1980, the Comptroller General delegated to the General Counsel the authority to grant relief to military disbursing officers under 31 U.S.C. § 95a (1976) from liability for the physical loss or deficiency of Government funds.

In the future, requests for relief under 31 U.S.C. § 95a should be addressed to:

Office of the General Counsel
U.S. General Accounting Office
441 G Street, NW
Washington, D.C. 20548

As you know, the granting of relief under 31 U.S.C. § 95a is mandatory provided you determine that the loss occurred without fault or negligence on the part of the disbursing officer and while he was in line of duty. However, mandatory relief under section 95a does not apply to accountable officers other than disbursing officers (B-194782, August 13, 1979), nor does it apply to losses resulting from illegal or erroneous payments. Accordingly, requests for relief under section 95a should include adequate documentation to enable us to determine that the case properly falls under that section rather than one of the other relief statutes (e.g., 31 U.S.C. §§ 82a-1 and 82a-2).

The contents of this letter will be included in a future revision of title 3, GAO Policy and Procedures Manual for Guidance of Federal Agencies.

Sincerely yours,



For Milton J. Socolar
General Counsel