



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

522107 Shanks

OFFICE OF GENERAL COUNSEL

B-207079

May 13, 1982

Mr. John G. Darlington  
First Vice-President  
AFGE Local 1592  
Building 362  
Hill Air Force Base, Utah 84056

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Dear Mr. Darlington:

This is in response to your request for an opinion by the Comptroller General of the United States concerning the propriety of the decision of Brigadier General David Hall, USAF, DSC/Comptroller, Air Force Logistics Command, Wright-Patterson Air Force Base, Ohio, concerning the liability of Mr. Johnnie Hawkins, a civilian employee, for damages to a Government vehicle.

By Report of Survey Number 81180, the Appointing Authority of the Reports Survey Function, Hill Air Force Base, approved the finding of the survey officer that Mr. Hawkins' negligence resulted in the damage to the vehicle. Upon the authority of the Secretary of the Air Force and Commander of Air Force Logistics Command, General Hall denied Mr. Hawkins' appeal of this finding on the basis that the evidence of record was sufficient to sustain the finding.

In his rebuttal to the recommendation of the Report of Survey, Mr. Hawkins states that the structure of the vehicle he was operating at the time of the accident restricts the operator's vision to the rear and that the vehicle is not equipped with side-view mirrors that provide complete rearward visibility. He states further that contrary to the Security Police Report, a spotter was not available at the time the accident occurred.

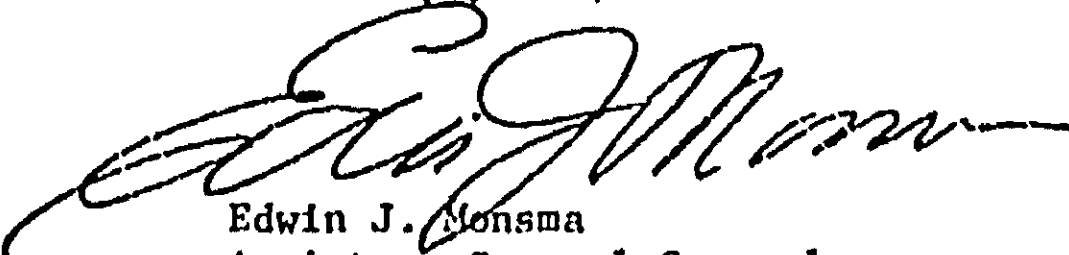
In this regard, you state that although Air Force regulations require that a spotter be provided when a vehicle is moved in reverse, the base support unit in which Mr. Hawkins works has not provided spotters for these vehicles. You have, therefore, specifically requested the determination of this Office as to whether a Federal employee may be held liable for damages to Government property when the agency for which he works has failed to provide personnel and equipment, as required by agency regulations, which are necessary for the employee to perform his duties safely.

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Under the provisions of 10 U.S.C. § 9835, the Secretary of the Air Force is authorized to designate an officer of the Air Force to act upon reports of surveys and vouchers pertaining to the destruction or damage of United States property under the control of the Air Force. Actions taken pursuant to this authority which hold a person pecuniarily liable for destruction or damage are final when approved by the Secretary or an officer of the Air Force designated by the Secretary, 10 U.S.C. § 9835(b). It appears that the action in Mr. Hawkins' case was taken under these authorities.

Although it has been held that the authorizing statute does not bar judicial review of the Air Force determination, the Comptroller General is not statutorily authorized to review the administrative findings in these instances. Accordingly, our Office has no jurisdiction to make a determination in this matter. Matter of McKinley, B-192609, September 18, 1978 (copy enclosed).

Sincerely yours,



Edwin J. Monsma  
Assistant General Counsel

Enclosure