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27 May 1965

MEMORANDUM FOR: Deputy Director/Support

SUBJECT : Constructive Service Credit
[redacted] Evacuees

REFERENCE : DD/S Memorandum of 20 May 1965

I do not believe that I made myself clear when I asked for an examination of whether or not those of our employees who were brought home [redacted] because of injuries could be granted constructive service credit under the CIA retirement system for the balance of their incompletd tours. I am concerned primarily with those who were severely injured in the bombing [redacted] and were evacuated for medical reasons and obviously will not be able to return [redacted] and in some cases will not be able to serve overseas again. It appears to me that the equitable thing to do in these cases would be to grant them credit for their full tours of duty as they were injured by an act of war and due to circumstances beyond their control. It, of course, may be that some of these will get greater benefit by BEC disability retirement, but others probably would need such a ruling to provide for early retirement under the CIA law. I think it is important that we carefully consider the legalities and perhaps even seek an amendment in our law if we have no legal basis today for such action because many people are carefully considering their retirement in signing up for overseas tours of duty.

(signed) Lyman B. Kirkpatrick

Lyman B. Kirkpatrick
Executive Director

LBK:drm

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DB/S 65-2122

Executive Registry
65-2811

20 MAY 1965

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Constructive Service Credit [redacted] Evacuees

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1. This memorandum is to follow up on our discussion of 6 May 1965 regarding the possibility of granting constructive service credit for CIA Retirement System purposes for the full tour of [redacted] evacuees.

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2. The Chief, Mobilization and Military Personnel Division has called the Pentagon for information on any special consideration given to military personnel in this connection. As best we can determine, there is none except the general rule applying to early return for compassionate reasons. Under this rule, a man returned with 60 days or less to complete on his tour at a hardship post is considered to have completed the tour for the purposes of determining when he will again be required to serve at a hardship post. If he returns with more than 60 days of his tour uncompleted, the fact that he had served a partial tour at a hardship post is considered in placing his name on the roster for future assignments to hardship posts.

3. It does not appear that the military practice establishes a precedent for the proposal that full tour credit be documented for [redacted] evacuees toward fulfilling the qualifying service requirement under the CIA Retirement System.

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4. Further, it would seem that there is no legal basis for considering that portion of [redacted] tour not served as qualifying service merely because the tour was cut short. That is to say, the duties which the individual performs during the months he no longer is in [redacted] would be the basis for a determination that the service is or is not qualifying service. This question would be appropriate for examination under the regulation on a case-by-case basis, by the Director of Personnel and the CIA Retirement Board, in the first instance, and by the Director on appeal.

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[redacted signature box]

L. K. White
Deputy Director
for Support

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