

SECRET

*File Legal Decisions
Travel Regulations 1945*

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OGC Has Reviewed

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ATTENTION: Chief, [redacted]
Assistant General Counsel

17 February 1949

25X1A [redacted]

1. Reference is made to your memorandum, dated 2 February 1949, concerning the above subject. You enclosed a memorandum from Chief, [redacted] dated 30 December 1948, which is returned herewith. You query whether ADEC is authorized under Section 10.9 of the Special Funds Regulations to approve the shipment of personal effects for an employee who has signed an authorized contract for a tour of duty for eighteen months.

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2. Section 10.9 of the Special Funds Regulations provides in effect that ADEC is authorized where such authority was not previously granted to approve the shipment of the household goods and personal effects for those employees who returned to the United States for temporary duty and entered into a new 24 months overseas agreement and then returned to their foreign posts. In view of paragraph 3 of CIA [redacted] dated 11 June 1948, it is clear that ADEC has the authority to prescribe a tour of overseas duty of less than 24 months where such a tour is determined to be in the best interests of the Government. However, it does not follow that the authority granted in Section 10.9 on the proviso of a new 24 months tour may also be reduced to a new tour of 18 months. Section 10.9 clearly states as a condition precedent to the exercising of the authority that the employee enter into a new 24 months overseas agreement. There is no indication that discretion to reduce the prescribed tour for this purpose was intended to be granted to Assistant Directors. Further, since the discretion was specifically set forth in a previous instruction in another connection, it must be concluded that such discretion may be exercised only where specifically stated.

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3. Consequently, your question must be answered in the negative. Payments of this nature may be approved and paid only where the conditions precedent to the exercising of authority have been met.

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[redacted]

Enclosure

JSW:rn

cc: Covert Personnel Division
Legal Decisions File
Chrono