

**SECRET**

**OGC Has Reviewed**

OPD

25X4/20 **23 November 1948**

Assistant General Counsel

25X1A

[Redacted]

25X1A

1. Reference is made to your memorandum, dated 8 December 1948, concerning the above subject. You attached a Memorandum For The Record, signed by [Redacted] dated 23 November 1948. That memorandum is returned herewith. You point out that at the time subject entered on duty, she signed a Form No. 51-104. You request a decision be rendered concerning the validity of the waiver granted by the Assistant Director for the Office of Policy Coordination.

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2. Form No. 51-104 is a form prescribed and used as a part of CIA [Redacted] dated 21 June 1948, signed by the Director. It is provided in that instruction that appointments of employees to be paid from unexpended funds will be made where employees are specifically employed for overseas duty on the prescribed form No. 51-104. The Assistant Director for Operations and Special Operations are authorized, in their discretion, to require acceptance of an agreement prescribing a tour of less than twenty-four months when it is determined to be in the best interests of the Government. The effect of [Redacted] memorandum of 23 November 1948 is a conditional waiver of the requirements of Administrative Instruction No. 20-7 as to length of overseas service required.

3. Since [Redacted] was signed by the Director, and no discretion, to the knowledge of this office, has been provided for the Assistant Director for OGC, it would appear that in so far as any violation from the prescribed tour of duty waived is concerned, the memorandum of 23 November 1948 is without effect. The question of whether a shorter tour of duty abroad, based on possible health considerations could be in the best interests of the Government is not raised, and consequently, will not be answered by this office at this time.

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General Counsel: [Redacted]

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Encls 1  
Memo For The Record, dated 23 November 1948, signed by [Redacted]

cc: OGC  
OIS  
OPD  
Legal Decisions - Personnel Procedures  
CIA Chrono

**SECRET**