

OGC Has Reviewed

SECRET

CFB

25 May 1949

Office of General Counsel

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1. Reference is made to the attached memorandum from FBZ to CFB of 18 May 1949, which you forwarded to this office for decision, concerning the validity of the claim that [redacted] assignment was a "detail." The contents of the memorandum from FBZ have been noted, and additional discussions were held between Mr. [redacted] and the undersigned.

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2. The pertinent regulations on payment of post differential appeared in the Federal Register of 30 December 1948. Section 325.5 provides that foreign post differential payments shall begin as of the date of arrival at the post on detail and shall stop as of the date of departure from the post. Section 325.1 (h) provides as follows:

"On detail' at a post of duty means performing temporarily, at a post other than the post of regular assignment, duties which involve carrying out functions of the post to which detailed. An employee is not 'on detail' to a post if he is there temporarily, in a travel status, performing duties in connection with the duties of his regular position at another post."

3. Normally, it would appear that the determination of the type of duties to be performed by an employee at other than his permanent position of duty would be for those administrative officials who are authorized to approve personnel actions or travel orders. There have been found no decisions furnishing a precedent and determining when an employee is or is not on detail. Therefore, the words of the regulation must be read in their normal sense.

4. If the appropriate officials in this particular case have determined that the employee was on detail for the purpose of performing temporarily at a post other than his post of regular assignment, duties which involved carrying out functions of the position to which detailed, this office will interpose no legal objection to such determination. From the information furnished to the undersigned in oral conversations and in the memorandum from FBZ, there appears to be sufficient basis on which such determination could be made. The undersigned was advised that subject had been given a designation by the Department of State for the purposes of this particular duty. This fact furnishes weight to a determination that the duty was "detail" and did not involve carrying out duties of the post at which subject was regularly assigned.

CC: Post Allowances & Differential
Legal Decisions
Chrono

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