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OGC-51

OGC Has Reviewed

CFB

27 April 1949

Office of General Counsel

Quarters Allowances - [REDACTED]

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1. Reference is made to your memorandum to this office, dated 20 April 1949, concerning the above subject. The attachments to your memorandum are enclosed herewith. You request an opinion of whether or not CFB is authorized to reimburse [REDACTED] for his estimated annual cost for the maintenance of a Government-furnished, rent-free house.

2. Before discussing the question involved, I should like to comment on the enclosure. It is noted that the memorandum from [REDACTED] is dated 15 August 1948 and was received by your Branch on 8 October 1948. The Form 33-22 is dated 15 November 1949. Further, the Form 33-22 lists [REDACTED] as a CAF-7 at a per annum salary of \$2727.20. Also it is noted on the Form 33-22 that [REDACTED] estimated share of the electricity for one year is \$468.00. It would appear then that the estimated expenditures for electricity at this one house would be \$3549.00 for one year. Although this office is not familiar with conditions at this post, it would seem that this is a fairly high figure and possibly should be substantiated further or other satisfactory evidence as to such cost be obtained by the Certifying Officer.

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3. The basic question involved appears to be whether or not the employee may be reimbursed for a portion of his quarters allowance when he is required to make certain expenditures for quarters when, at the same time, quarters are furnished to him by the Government at no rental. The basic statutes involved are set forth in the Standardized Government Civilian Allowance Regulations Circular 1 which will not be repeated here. In effect, the statutes provide for the granting of an allowance, wherever Government-owned or rented quarters are not available for living quarters, heat, light and fuel, including gas and electricity. There has been found no prohibition against the principle of the Government furnishing a portion of the quarters and, at the same time, granting allowances. An indication of the intent of the Regulations is furnished by Section 3.34 in Circular 1 which states that a grant of quarters allowances shall be terminated on the date prior to that on which Government-owned or leased quarters at no personal cost are furnished the employee.

4. In this particular case, while Government-owned or leased quarters were furnished to [REDACTED] they were not furnished to him at no personal cost. Consequently, we see no legal reason why he should not be authorized an appropriate quarters allowance. Such allowance should, of course, be authorized by an authorized official and in accordance with regulations.

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