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Legal Dec

1 August 1947

OGC Has Reviewed

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MEMORANDUM TO CAS
Attention: [REDACTED]

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Subject : Travel Expenses of [REDACTED]

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1. Returned herewith is memorandum from FBT to ADSO via CAS, dated 28 July 1947, concerning the above subject. Approval is requested for the payment of travel expenses incurred by Miss [REDACTED] in transporting her personally owned car to her station at [REDACTED]. It appears that Miss [REDACTED] returned to Washington from her home in Massachusetts on 16 June after having spent a period of time in Massachusetts on leave. Miss [REDACTED] left her station at [REDACTED] at the end of April due to the illness of her mother. In the basis of the above facts, the general rule is that Miss [REDACTED] must pay all expenses of travel from [REDACTED] to the United States and return, since the travel was for her personal convenience and not in the interest of the Government. The question of reimbursement for expenses of shipment of personally owned automobiles by the organization is a separate question, and, legally, is not related to her emergency trip to the States and return to [REDACTED].

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2. It appears that FBT is attempting to justify reimbursement to Miss [REDACTED] in transporting her car from Washington to [REDACTED] on the theory that there exists authority for approval for the expense of shipment of such car at this time. S.O. Directive No. 15 dated 6 May 1947 authorizes the reimbursement of the expenses of shipping a personally owned automobile where such shipment has been justified for the maintenance of cover and for reasons of operational necessity. Where it is intended that a personally owned automobile be used solely for the personal convenience of the individual owner and no question is presented of using the car at the foreign station on official business with reimbursement by the organization under S.O. Directive No. 15, the question of shipment at Government expense must be considered as an incident of the travel of the employee involving an official change of station. In other words, at the time a letter of transfer is signed authorizing the individual to travel and change of official station, authorization is provided, where appropriate, for the payment of

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transportation expenses of the immediate family, expenses of shipment of household goods and effects, and, where it is determined that a car is necessary for the maintenance of cover and for operational reasons, the shipment of such car at Government expense may also be authorized.

3. In considering the Independent Offices Appropriation Act for 1946, approved 5 May 1945 (59 Stat. 131), it has been held that, if the transfer of an employee has been accomplished, the transportation of the families at Government expense may not be authorized subsequently. The Statute involved requires that the authorization for the transportation of the immediate families of employees upon the transfer of official station be in the order directing such travel (25 Comp. Gen. 444, 18 December 1945). This same question was considered in 25 Comp. Gen. 372, 2 November 1945, in which it is stated that orders authorizing the transfer of an employee may not be amended to include the transportation of members of the immediate family at any time after the employee himself has departed from his old station. Although the Independent Offices Appropriation Act for 1946 is involved in the above decisions, the provisions of Public Law 600, 2 August 1946, are substantially the same on this point, i.e., an employee who is transferred from one official station to another shall when authorized in the order directing the travel be allowed and paid the expenses of travel of himself and expenses of transportation of his household goods and effects.

4. For reasons of security and operational necessity, CIG has, in effect, extended the provisions of Public Law 600 to include reimbursement of expenses of shipment of personally owned automobiles. However, the shipment of automobiles as in the case of transportation of immediate family, household goods and effects is merely an incident of the transfer of official station of the employee. Consequently, it is the opinion of this office that where an employee has not been authorized in the original letter of transfer to ship or drive his automobile at Government expense there would be no authority to approve such expenses after the employee has performed the travel incident to his official change of station. This rule would not necessarily apply where it is determined by the approving authority (ADSO) that the automobile is to be used for official business, and reimbursement of expenses incurred by such use could be authorized under S.O. Directive No. 15.

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5. In view of the above, it is the opinion of this office that, on the facts presented, there exists no authority for AOSO to approve the reimbursement of expenses to Miss [redacted] for transporting her car to [redacted], since it does not appear that such authorization was included in her original letter of transfer. Such expenses must be deemed personal to Miss [redacted] and, in any event, she would be required to pay her own travel expenses from [redacted] to her home in the United States and return.

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Assistant General Counsel

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cc: [redacted]

JSW:mbt

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