

SECRET

638

Executive

8 May 1950

Legal Staff

OGC Has Reviewed

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[REDACTED]

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1. The case of [REDACTED] is here on resubmission on the theory that the intervention of erroneous administrative assurances makes it impossible to determine whether the individual concerned would have voluntarily incurred the personal expenses had he been properly advised, or whether air travel on a direct usually-traveled route would have been pursued.

2. Thus the question for determination is: whether such an intervention changes the facts of the case to the extent that a different conclusion is warranted.

3. The mere fact that an officer or employee receives incorrect or erroneous information from administrative officers is not a proper basis to assess the increased travel expenses to the Government. Further, the facts and applicable principles of our decision of 12 December 1949 have been reviewed and we find no reason to alter the conclusion reached therein.

4. Since, under the laws and regulations applicable generally to travel and transportation of Government officials and their dependents, this increased expense in the amount of \$241.04 would be deemed a personal expense to be borne by the employee, we believe there is no legal basis on which it could be considered a proper charge to official funds. Therefore, the employee, if permitted, would have no recourse outside the Agency and, in our opinion, it cannot, therefore, be argued that the security restrictions of this Agency in any way act to his detriment or block-off possible avenues of appeal.

LAWRENCE R. HOUSTON

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cc: Subject
Chrono
Legal Decisions
Background file attached.