

10 April 1947

OGC Has Reviewed

MEMORANDUM TO ASSISTANT CHIEF, FISCAL SECTION

Subject: GAO Exceptions

STATINTL

1. Reference is made to your memorandum to this office, dated 4 April 1947, transmitting Notices of Exception from the General Accounting Office applicable to the travel accounts of [redacted] together with related papers. You state that you are attempting to reply to the Exceptions, and request assistance of this office in drafting a suggested reply to GAO.

2. Based on the telephone conversations between you and the undersigned, it is our understanding that one of these cases involves an appointment where the employee had resigned her previous Government employment and returned to her home. She was appointed by this organization, and Travel Vouchers were processed in an attempt to reimburse her travel expenses from home to Washington. In the other case, you indicate that the employee in effect transferred from another Government agency to this organization. The travel involved was from her previous place of Government employment to Washington for employment by OSS. You state, in your opinion the facts are such that, if proper administrative actions had been processed, the travel expense would be payable in accordance with War Manpower Commission Directive No. 10, Paragraph 6, and Civil Service Departmental Circular No. 495, Supplement No. 2.

3. In the first case, it would appear that the employee is not entitled to reimbursement under any general legislation or regulation. As pointed out in our previous memorandum of 11 October 1946, this office concurs in the statement of the General Accounting Office that the language relating to .002 funds does not vest the administrative establishment with unlimited discretion in determining whether certain expenditures ordinarily required by law and regulation to be born by an employee should be allowed. Therefore, it is felt that any payment to the employee, in this particular case, would be in contravention of the general rule that an employee is required to place himself at his first duty station at his own expense. Consequently, it would appear to be the administrative responsibility of the organization to request repayment of the amount from the individual concerned, and not to press the matter further with the General Accounting Office.

Also in Travel Expenses

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4. In the second case, it would appear appropriate to explain in further detail to the General Accounting Office that the travel expenses involved were in connection with the actual transfer of the employee from one Government agency to another. Since it is your opinion that had the proper papers been prepared at the time of appointment the travel expenses would have been properly payable under the Directive and Circular cited above, the GAO should be advised that .002 funds were used within the administrative discretion of the agency to carry out the purpose for which the funds were appropriated, admittedly using such funds in lieu of compliance with prescribed regulations. As pointed out by GAO in the case of [REDACTED] a detailed statement of facts was not furnished, and it is suggested that the complete facts be presented in your reply to the Exception concerning the second case.

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5. When the necessary information has been collected, upon which to base a reply to the Notice of Exception, we shall cooperate in drafting such reply upon your request. Your files, attached to the memorandum of 4 April 1947, are returned herewith.

STATINTL

[REDACTED]
Assistant General Counsel

JSW:mbt