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18 June 1949

Office of General Counsel

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1. Attached hereto is a memorandum to you from Chief, [redacted] concerning the above subject. That memorandum was routed through this office for our comments. In addition, the undersigned has discussed the case orally with Mr. [redacted]. The facts of the case are adequately set forth in the attachment and will not be repeated. On the basis of these facts, it appears that the effect of the instructions and intentions of OGC was that [redacted] should have been transferred from vouchered funds to unvouchered funds; also, that there should have been issued a travel order directing Taylor to travel to the area involved, together with his dependents and household effects. Subject to materialization of a particular project, the final permanent station would be designated. In the event the project did not develop as planned, another station in the area would have been designated as the permanent post of duty for subject. In the meantime, it was intended that Taylor be authorized to take annual leave.

2. In view of the above, the net effect of such instructions and intentions was the ordering of [redacted] and his dependents to the area involved, with a delay en route for the purpose of taking leave authorized. Since all employees assigned abroad for OGC are paid from confidential funds, appropriate transfer papers should have been prepared. Further, such a procedure would have been entirely in accord with normal government travel regulations. However, as events actually transpired, no travel orders were written, and the intentions and instructions to [redacted] were not reduced to writing in the appropriate form. Standardized Government Travel Regulations provide that travel authority shall be issued prior to the in-currence of expenses and shall specify the travel to be performed as definitely as circumstances permit. There is an exception provided when travel has been performed and the expense incurred on account of an emergency or without prior authority. The Comptroller General has construed this exception as relating only to temporary duty travel. (11 Comp. Gen. 439). With this interpretation, the payment of all the expenses requested in the attached memorandum appear to be without authority within the prescribed regulations. The actual travel and expenses incurred, had proper travel orders been issued, appear to be within the scope of normal regulations. Therefore, if the expenses incurred are paid by the Government, it is not put to any additional expense other than that which it would have paid had proper administrative action been taken.

3. There appears to be no authority for retroactive approval of these expenses. Therefore, it would be necessary that the Director approve these

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expenses. In view of the fact that no additional financial burden is placed on the Government, we can see no legal objection to approval, if, in the Director's opinion, the circumstances of the case warrant waiving normal administrative requirements.

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cc: CPB

Subject
Chrono

✓ Legal Decisions