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Approved For Release 2002/05/29 : CIA-RDP85-00375R000100120019-9

27 NOV 1963

OGC REVIEW COMPLETED

MEMORANDUM FOR: Chief, Regulations Control Staff, Deputy Director for Support

SUBJECT : Proposed [] Disposition of Remains and Effects in Death Cases

REFERENCES : (a) Memo dated 18 Nov 63 from EO-DD/S to D/Pers. subject: []

(b) Memo dated 5 Nov 63 from OGC to EO-DD/3, subject: []

1. In accordance with request contained in paragraphs 5 and 6 of reference (a), there is submitted herewith a revised draft of proposed [] Dis- 25X1A position of Remains and Effects in Death Cases.

2. By comparison with the proposal which we submitted to your office on 26 Jul 63, the attached draft contains the following revisions:

a. The term "is responsible" (which appeared once in subparagraph e(1) and twice in subparagraph e(2)) has been replaced by the term "shall pay." This change is in accordance with the recommendation of the OGC in paragraph 4 of reference (b).

b. In subpara e(1) the phrase "while the employee is traveling on official business" has been changed to read "while the employee is in an official travel status away from his official station." This change stems from the comment contained in paragraph 4 of reference (b).

c. In subparagraph e(2) the word "deceased" has been added before the word "dependent," to make it clear that the Agency shall pay for the preparation and transportation of the remains of a dependent who dies while the sponsor is assigned overseas. This change has been made in response to the comment contained in paragraph 4 of reference (a).

d. The reference to [] at the end of subparagraph e(2) has been supplemented by the phrase "for information concerning arrangements to be made in the field." This change was made partly on the basis of the comment contained in the final sentence of paragraph 2 of reference (a), and partly as a result of the next item below.

e. Subparagraphs (a), (b), and (c) have been added under subpara e(2). This addition is considered desirable in order that headquarters officials may ascertain the extent of the Agency's responsibility when death occurs overseas without having to refer to a

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3. With respect to reference (b) we feel that all comments which are substantive in nature have been accommodated by the BA draft attached hereto. For your possible assistance, we are also forwarding a copy of reference (b) which has been annotated in the margin to reflect counter-comments by this Office.

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4. In accordance with the comment contained in the final sentence of paragraph 2 of reference (a), there is submitted herewith a proposed revision of subpara d(1) of [redacted]. This revision is simply for the purpose of clarifying the circumstances under which the Agency pays preparation and transportation costs, and does not reflect any change in policy.



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Attachments:

1. Draft of [redacted]
2. Draft of [redacted]
3. Annotated copy of reference (b)

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Distribution:

Orig & 2 - Addressee

✓ 1 - C/PSD

1 - PRS/Reg (w/o attachment number 3)

OP/PRS: [redacted]:kls (26 November 1963)

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e. DISPOSITION OF REMAINS AND EFFECTS IN DEATH CASES

- (1) The Agency shall pay for the preparation and transportation of the remains of a deceased employee when death occurs within the continental limits of the United States while the employee is in an official travel status away from his official station.
 - (a) The Agency shall pay up to \$150 of the expenses of preparing the remains and all necessary expenses of transporting the remains of the decedent to his former home, to his official station, or to any other place that may be determined by the Director of Personnel to be the appropriate place of interment. If, however, the remains are transported to a place other than the decedent's former home or official station, the cost borne by the Agency may not be greater than would have been incurred if the destination had been the former home or official station.
 - (b) The expenses of preparing the remains include costs of embalming, cremation, necessary clothing, and casket.
 - (c) The expenses of transporting the remains include costs of removal of the remains from the place where death occurred to an undertaking establishment; procurement of burial and shipping permits; furnishing an outside case for shipment (including the sealing of the shipping case when necessary); delivery to the carrier; transportation by the carrier; and one removal at the place of interment from the carrier to an undertaking establishment or other place of immediate delivery.
- (2) The Agency shall pay for the preparation and transportation of the remains of a deceased employee when death occurs while the employee

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is traveling on official business outside the continental limits of the United States, and shall pay for the preparation and transportation of the remains of a deceased employee or his deceased dependent, and of his household effects and personal property when death occurs while the employee is assigned to a post outside the continental limits of the United States, or while the employee or dependent is in transit to or from such post of assignment. (See for information concerning arrangements to be made in the field.)

- (a) The Agency shall pay all reasonable costs incurred for the preparation and transportation of the remains to the deceased individual's former home, to the employee's official station, or to any other place that may be determined by the Director of Personnel to be the appropriate place of interment. The preparation and transportation costs include all costs specified in subparagraphs (1)(b) and (c) above, and any other expenses necessarily incurred in complying with the legal requirements relating to the preparation of the remains.
- (b) The Agency shall pay all reasonable costs incurred for the transportation of a deceased employee's dependents, and for the packing, crating, drayage, and transportation of household effects, privately owned motor vehicle, and other personal property to his former home, official station, or to any other place that may be determined by the Director of Personnel to be appropriate.

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(c) If the remains and/or dependents, effects, privately owned motor vehicle, and personal property are transported to a place other than the decedent's former home or official station, the cost borne by the Agency may not be greater than would have been incurred if the destination had been the former home or official station.

f. Present e. - no change

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OGC 63-3307

5 November 1963

MEMORANDUM FOR: Executive Assistant to the Deputy Director
(Support)

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SUBJECT: Proposed New Subparagraph (e) of
Disposition of Remains and Effects in
Case of Death

Office of Personnel
Comments

No action
required.

1. This office has reviewed the draft of
"Disposition of Remains and Effects in Death Cases." It may be
useful to review the situations in which the Agency shall pay the
expenses of preparing and transporting the remains of a decedent
and the authority for such payment.

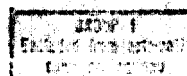
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Noted; no
action is
necessary.

In addition, 5 U. S. C. 103a and E. O. 8557, as amended, requires the
Agency to pay the expenses of preparing and transporting the remains
of decedents in the following case:

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Office of Personnel
Comments

where the decedent employee, who is stationed in the United States, dies while in a travel status in the United States.

5 U.S.C. 103a also applies with respect to returning a decedent employee's dependents and household effects to the United States after death abroad.

Since the Reg
does apply
the same
standard (see
para 6 below),
no change is
necessary.

3. We would think that since Executive Order 8557 does apply in some instances in Agency death cases, that the language of the Order should be carried over into the Agency regulation. However, so long as the Agency regulation applies the same standards as the Executive Order, not to do so would not be legally objectionable.

O/P agrees;
substitutions
have been
made.

4. The language of subparagraphs e(1) and (2) should avoid use of the term "responsible" substituting for this "shall pay." The Agency's only responsibility in this area is to reimburse the proper party for the costs of preparing and transporting the remains of certain decedents; section 12 of the Executive Order does, however, place upon the Director the responsibility for providing for notification of the next of kin or legal representative of such decedent and for rendering of every "reasonable assistance" in arranging for preparation and transportation of the body. Also, it would be better to substitute for the words "travel on official business" of subparagraph (1), the phrase "in a travel status away from his official station."

All situations
cited in para
2 are covered.
The question
in second
sentence is
answered in
affirmative.
No change in
language is
necessary.

5. We have some concern as to whether all the situations set forth in our paragraph 2, above, are contained in subparagraphs (1) and (2) of the draft regulations. Can, for example, death of a dependent of an employee while enroute to or from home leave be read to be covered under the phrase "in transit to or from such post of assignment"? You may wish to consider the possibility of expanding this language somewhat. The Executive Order is so complete with respect to coverage and detailed instruction, perhaps some of this language could be employed effectively.

This change
has been made.

6. Upon the modification of the phrase "is responsible," as discussed above, we would have no legal objection to the draft as

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written. We believe it is a useful addition to our regulations, particularly since it will assist officers abroad charged with the responsibility for carrying out the Agency's responsibilities in death cases.

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Office of General Counsel

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OGC 63-3307(a)

8 November 1963

MEMORANDUM FOR: Executive Assistant to the Deputy
Director (Support)

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SUBJECT: Proposed New Subparagraph (e) of
Disposition of Remains and Effects in
Case of Death - Addition to 5 November
1963 Memorandum, OGC 63-3307

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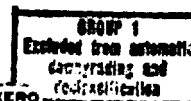


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