

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 1

1.1 Purpose. This chapter establishes Indian Affairs (IA) policy for managing stolen, lost, damaged, or destroyed personal property, including museum property. It sets forth the procedures for reporting missing, damaged, or destroyed IA personal property; and establishes the responsibilities of Property Assignees, Accountable Property Officers (APOs), and Custodian Property Officer (CPOs) for reporting missing, damaged, or destroyed assets.

1.2 Scope. This policy applies to all programs and offices under the authority of the Assistant Secretary - Indian Affairs (AS-IA), including AS-IA offices, the Bureau of Indian Affairs (BIA), and the Bureau of Indian Education (BIE).

1.3 Policy. This chapter implements procedures outlined in Department of the Interior (DOI) Acquisition, Assistance, and Asset Policy (DOI-AAAP); specifically, DOI-AAAP-0111 - Stolen, Lost, Damaged, or Destroyed DOI Personal Property.

1.4 Authority.

A. Statutes and Regulations.

- 1) P.L. 81-152, Federal Property and Administrative Services Act of 1949, as amended
- 2) 18 U.S.C. 641, Public money, property or records
- 3) 31 U.S.C. 3711, Collection and compromise
- 4) 41 CFR 101, Federal Property Management Regulations
- 5) 41 CFR 102, Subchapter B, Federal Management Regulation (FMR) – Personal Property
- 6) 43 CFR Subtitle A, Part 4, Department Hearings and Appeals Procedures
- 7) 48 CFR § 45.104, Responsibility and liability for Government property

B. Guidance.

- 1) 355 Departmental Manual (DM) 2: Policy for Investigating Complaints and Referrals
- 2) 370 DM 752: Discipline and Adverse Actions
- 3) 410 DM 1 - 2: Personal Property Management

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 2

- 4) 411 DM 1: Policy and Management Responsibilities for Museum Property
- 5) DOI-AAAP-0111 - Stolen, Lost, Damaged, or Destroyed DOI Personal Property and related Technical Operating Procedures for Stolen, Lost, Damaged, or Destroyed DOI Personal Property
- 6) Principles of Federal Appropriations Law, Third Edition, Volume II, Chapter 9 – Liability and Relief of Accountable Officers, U.S. Government Accountability Office (GAO), GAO-06-382SP

C. Handbooks.

- 1) Department of the Interior Motor Vehicle Management Handbook, April 2019

1.5 Responsibilities.

- A. **Deputy Assistant Secretary – Management (DAS-M)** is responsible for administering this policy.
- B. **Directors, BIA and BIE** ensure this policy is implemented across their programs and offices in compliance with all applicable laws, regulations, policies, and procedures.
- C. **Deputy Bureau Director, Office of Justice Service (OJS), BIA** ensures this policy is implemented throughout OJS offices in compliance with all applicable laws, regulations, policies, and procedures.
- D. **BIA Regional Directors** are responsible for implementing this policy and related procedures, and for providing advice and guidance on day-to-day property operations to the offices they support and to their management.
- E. **BIE Property Management Branch (PMB)** oversees the BIE Property Management Program, including implementing and executing IA property management policies and procedures to ensure compliance. The BIE PMB also provides advice and guidance on the procedures for reporting missing, damaged, or destroyed IA personal property.
- F. **Director, Office of Facilities, Property and Safety Management (OFPSM)** provides oversight of the IA Property Management Program and serves as the IA Property Management Officer (PMO).
- G. **Chief, Division of Property Management (DPM), OFPSM** is responsible for implementing and overseeing this policy across IA regional offices and the Central Office.

INDIAN AFFAIRS MANUAL

- H. Regional Property Officers (RPOs)** oversee the Property Management Program in their respective regions, including implementing and executing BIA property management policies and procedures to ensure compliance. They also provide advice and guidance on the procedures for reporting missing, damaged, or destroyed IA personal property.
- I. APOs** are responsible for requesting relief of accountability for property loss, damage, theft, destruction, or unserviceability of property by initiating a Report of Survey (form DI-103), or a Certificate of Unserviceable Property (form DI-103A).
- J. CPOs** are responsible for day-to-day property management operations, including personal and real property entrusted to his/her program through the CPO designation letter. CPOs are accountable for property under their control. They ensure that all employees are aware of their responsibilities and are held responsible for the proper use and care of Federal Government-owned or leased property in their possession. Federal Government property should be used for official purposes only.
- K. Standing Board of Survey** includes a Chairperson and at least two members. All Survey Board designations must be in writing and be made by the APO. Members of the Survey Board are held responsible for investigating the loss of Federal Government property, completing a Report of Survey (form DI-103) by documenting the investigation, arriving at findings, and determining the disposition of the property and financial liability for the loss. The Chairperson is responsible for presiding over the Board's meetings and helping the Board reach consensus regarding its decision(s) about findings and determinations.
- L. Local Survey Officer** has the same responsibilities as a Standing Board of Survey member and can only be appointed to investigate the loss of non-sensitive Federal Government property with an original acquisition cost of less than \$25,000.
- M. Traveling Survey Officer** has the same authorities, responsibilities, and restrictions as a Standing Board of Survey member, and acts in lieu thereof. A Traveling Survey Officer may be appointed when the APO is responsible for the property at separate geographic locations, and it has been determined that the use of a Traveling Survey Officer is required.
- N. Special Boards of Survey** are responsible for investigating unusual losses such as those resulting from major incidents (e.g., fire, flood, earthquakes, etc.). Special Boards of Survey have the same responsibilities and authority as Standing Boards of Survey. No limits are imposed upon the membership or size of the Special Board, but all members must be appointed by the APO.

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 4

- O. Property Assignee** is any employee who utilizes Federal Government property, and therefore is responsible for the proper and reasonable care, use, safekeeping, and return of such property.

1.6 Definitions.

- A. Certificate of Unserviceable Property (form DI-103A)** is used to report excess property or property that was cannibalized for parts.
- B. Contracting Officer (CO)** is a person with the authority to enter, administer, or terminate contracts and make related determinations and findings.
- C. Contracting Officer Representative (COR)** is also referred to as a Contracting Officer Technical Representative (COTR), and is a person designated by the CO to assist in the technical monitoring or administration of a contract. Procedures vary from agency to agency, but a COR must generally be designated in writing with a copy furnished by the contractor and the contract administration office. The designation does not include any authority to make any commitments or changes that affect price, quality, quantity, delivery, or other terms and conditions of the contract.
- D. Damaged property** is personal property that is impaired or unserviceable yet may be repaired. If it is not repaired, it will be designated as excess.
- E. Destroyed property** is personal property that is rendered inoperative or beyond repair.
- F. Gross negligence** is an act or omission that constitutes misconduct according to 370 DM 752, or a wanton and reckless disregard for the property.
- G. Lost property** is any IA personal property asset that cannot be found after a reasonable search and is determined to be lost.
- H. Museum property** is a subset of personal property, and includes objects, works of art, or archives retained for long-term preservation, study, and interpretation consistent with statutory requirements, relationship to the respective bureau/office mission, or other appropriate factors.
- I. Negligence** is the failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions but can also consist of omissions when there is some duty to act for the proper use and care of IA's personal property. Examples of negligent behavior include, but are not limited to, disregarding the safety and care of IA's personal

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 5

property and displaying a lack of respect towards the overall accountability of IA's personal property.

- J. Property accountability** means the assigned responsibility and liability associated with the management of Federal Government property. It includes the responsibility for establishing and maintaining property records, safeguarding property, and ensuring its proper use, as well as submitting required reports. It also includes the liability associated with loss, theft, damage, or destruction of said property.
- K. Property assignee** is any individual affiliated with IA who is assigned/issued/loaned IA personal property through his/her employment. These individuals include, but are not limited to, employees, interns, fellows, volunteers, contractors, or other individuals otherwise affiliated with IA.
- L. Personal property** is property of any kind or interest therein, except: (1) real property, (2) records of the Federal Government, and (3) naval vessels of the following categories: battleships, cruisers, aircraft carriers, destroyers, and submarines. Specifically, personal property includes all equipment, materials and supplies, and museum objects. It does not include property that is incorporated in, or permanently affixed to, real property.
- M. Property responsibility** means the obligation of an individual to properly use, care for, and safeguard property entrusted to his/her possession or under their direct supervision.
- N. Report of Survey (form DI-103)** is used to report lost, damaged, or destroyed property. It is also used to document the results and recommendations of survey investigations, findings, and determinations.
- O. Reviewing Official** is also the RPO and provides technical and procedural guidance to Boards of Survey/Survey Officers.
- P. Sensitive property** means property, which is controlled, regardless of value, by detailed property accountability records and is determined to be sensitive because of its high probability of theft or misuse, misappropriation, or being designated as "sensitive" by management. Sensitive property designated by IA includes weapons, vehicles, trailers, tablets/iPads, tasers, laptops, Central Processing Units (CPUs), radio communication equipment (RCU), ballistic vests, ammunition, and explosives.
- Q. Simple negligence** is the failure to exercise the degree of care that a prudent person would exercise under the circumstances.

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 6

- R. Survey action** is the official action taken by a Board of Survey or a Survey Officer involving the investigation into the loss, theft, damage, or destruction of Federal Government property; or the determination of unserviceability of Federal Government property.
- S. System-controlled property** means property with an original acquisition cost of \$5,000 or more, and sensitive property, regardless of cost. System-controlled property must be recorded and controlled in a bureau/office property management system.

1.7 Requirement and Procedures.

A. Reporting Lost, Damaged, or Destroyed Personal Property

All property assignees are responsible for immediately reporting to their respective supervisor, office CPO, or APO any IA personal property assets believed or known to be lost, damaged, or destroyed. When a property assignee is a contractor or contractor's employee, notification should be made to the COR and to the property assignee's respective CPO. Damage to motor vehicles should be immediately reported in accordance with the DOI Motor Vehicle Management Handbook.

If a property assignee needs to report missing, damaged, or destroyed property, they must submit a Report of Survey (form DI-103) to their respective CPO or APO within three business days of discovering the missing, damaged, or destroyed personal property. If a property assignee needs to report unserviceable or excess property, they must submit a Certificate of Unserviceable Property (form DI-103A) and supporting documentation to their CPO or APO within three business days after the property is identified as excess or cannibalized.

A written statement by the property assignee must be attached to the DI-103/DI-103A form that contains the following information:

- An explanation of what occurred to cause the loss, damage, or destruction of the property
- Who or what was involved?
- How it occurred?
- Where it occurred?
- Approximate time of the occurrence

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 7

The absence of any required information will result in the DI-103 or DI-103A form being returned to the property assignee by the CPO or APO.

The CPO (or APO) should then sign the completed DI-103 or DI-103A form using the applicable signature block (i.e., APO signs in the Accountable Officer block and CPO signs in the Custodial Property Officer block) attesting to the findings and resolution regarding the personal property loss, damage, or destruction, and then provide the completed, signed form to the RPO.

Additionally, the property assignee must take the actions listed below when reporting these specific types of lost, damaged, or destroyed personal property:

- 1) Incidents involving a motor vehicle accident: Complete the Motor Vehicle Accident Investigation Report. If the documentation indicates that negligence or abuse is involved, or a claim against the government is possible, complete a Report of Survey (form DI-103).
- 2) Incidents involving theft, ongoing unauthorized use, or vandalism of personal property: Report the incident to BIA OJS, DOI, local, and/or state law enforcement authorities within 24 hours and, as appropriate, to facility security forces.
- 3) Incidents involving lost or stolen laptop or desktop computers, tablets, and notebooks: Report the incident to the DOI Computer Incident Response Center within 24 hours and adhere to any additional bureau or office-specific policy.
- 4) Incidents involving the theft, loss, damage, or destruction of personal property by a contractor or subcontractor: Refer to FAR Part 45.104.
- 5) All incidents involving museum property, to include museum property housed by, or on loan to, non-federal repositories: Report the incident to the Museum National/Chief Curator or designee.
- 6) All incidents involving lost or stolen firearms, including museum firearms and less-than-lethal weapons (e.g., tasers), or any negligence: Report the incident to BIA OJS and to local or state law enforcement authorities within 24 hours and, as appropriate, to facility security forces.
- 7) Incidents involving fraud, waste, or misuse: Report the incident to the Office of Inspector General (OIG) when suspected.

INDIAN AFFAIRS MANUAL

B. Survey Actions

A survey action involves the investigation into the loss, theft, damage, or destruction of Federal Government property; or the determination of unserviceability of Federal Government property. A survey action is required for relief of accountability, except as permitted in DOI's Technical Operating Procedures for Stolen, Lost, Damaged, or Destroyed DOI Personal Property for items valued at or above the \$5,000 accountability threshold. A survey action is also required for all sensitive property.

When circumstances require convening a Survey Authority, the APO for the property to be surveyed will immediately notify the Board of Survey Chairperson or Survey Officer.

Survey actions must be initiated by the Board of Survey Chairperson or Survey Officer within 30 days of the discovery of the loss. The Board of Survey/Survey Officer has 30 business days after receipt of the DI-103 form to complete the review and investigation (if applicable). Delays must be explained in writing and attached to the survey document.

Survey actions are *not* required in the following circumstances:

- 1) To document the loss of non-expendable, non-sensitive property with a depreciated value of less than \$5,000. CPOs are responsible for documenting losses of non-expendable, non-sensitive property with an original acquisition cost of less than \$5,000, in accordance with IA policy.
- 2) For damage to a motor vehicle when such damage is clearly not the result of employee negligence, and there is no possibility of a claim against the Federal Government (e.g., broken windshields from flying debris, minor dents while appropriately parked, damaged tires resulting from road hazards, etc.).
- 3) When a Certificate of Unserviceable Property (form DI-103A) is used in accordance with the DOI Technical Operating Procedures for Stolen, Lost, Damaged or Destroyed DOI Personal Property.

If the documentation or conditions indicate a pattern of unacceptable losses for low-value property, the APO or CPO may refer the incident, regardless of the original acquisition cost, to a Survey Authority for further investigation. See section F. Property Irregularities for more details.

C. Types of Survey Authority and Limitations

When survey action is required, it will be conducted by one of the following methods: a Standing Board of Survey, a Traveling Survey Officer, a Local Survey Officer, or a Special

INDIAN AFFAIRS MANUAL

Board of Survey. Board members and Survey Officers must be Federal Government employees. Contractor or other non-government personnel may not be appointed, although they may participate in an advisory capacity.

Survey authority will be appointed, in writing, by the APO. Survey appointments will be for a period of at least one year and not more than three years. In the event of a change in the APO (i.e., transfer, retirement, death), existing appointments will remain in effect until a new APO is appointed. APOs and the employees responsible for the property (i.e., property assignees) to be surveyed may not be Survey Authorities. Property Managers may participate either as full members or non-voting participants in an advisory capacity.

Boards of Survey and Survey Officers will limit their activities to surveying Federal Government property. Loss of private property, even if it directly results from the actions of an employee, is not the concern of Boards of Survey or Survey Officers, but is handled through the tort claims process.

D. Reviewing Authority for Reports of Survey

The Reviewing Authority for Reports of Survey will be the RPO. If the RPO is also the CPO of the surveyed property, the Reviewing Authority will be at the next higher reporting level. A Reviewing Authority may not be a member of the Board of Survey which acted in the case under consideration. Under no circumstances will a Reviewing Authority include the APO for the property involved. Copies of all actions should be forwarded to the Regional APO.

E. Authority to Overturn Findings and Determinations

The Reviewing Authority or the APO cannot overturn the Board of Survey or Survey Officer's findings and determinations. The Reviewing Authority may only return a Report of Survey to the Survey Officer or Board of Survey for reasons of technical insufficiency or inadequate documentation.

If the Reviewing Authority disagrees with the Board of Survey's or Survey Officer's findings and determinations, he/she will prepare a written statement outlining the reasons for such disagreement and attach it to the Report of Survey. The Report of Survey will then be forwarded to the next higher organizational level for resolution.

F. Property Irregularities

Boards of Survey/Survey Officers will also investigate property irregularities if requested by the APO based on his/her review of the DI-103/DI-103A documentation, and the facts and circumstances provided surrounding the lost, damaged, or destroyed personal property.

INDIAN AFFAIRS MANUAL

Property irregularities include:

- 1) Loss of Federal Government property in which the total is more than \$5,000, either in the aggregate for a single incident or a single item.
- 2) Repetitive losses of a particular type of property or recurring losses at a given location.
- 3) Losses of a suspicious nature.
- 4) Evidence of serious misconduct or irregularity (i.e., fraud, falsification of records, etc.).
- 5) Known, suspected, alleged fraud, waste or abuse, or misappropriation of Federal Government property.
- 6) Loss or theft of a firearm or weapon, ammunition, explosives, hazardous materials, or a controlled substance.

If there is evidence of property irregularities during the investigation, Boards of Survey/Survey Officers will refer the findings to the Reviewing Authority, as outlined in DOI's Technical Operating Procedures for Stolen, Lost, Damaged, or Destroyed DOI Personal Property, Section 5, Table 5. The Reviewing Authority will review the findings to determine whether the case merits referral to the OIG. When it is determined that property irregularities exist, the initial findings and all pertinent documentation will be forwarded to the Assistant Inspector General for Investigations, OIG. A copy of each case referred to the OIG will be provided to the APO and the DOI Director, Office of Acquisition and Property Management (PAM), for review. No further investigations or disciplinary actions will be taken pending the outcome of the OIG review. The OIG will review all Reports of Survey, conduct investigations, and provide the Director, PAM, with the results and recommendations.

G. Determining Employee Liability

The APO, Survey Officer, and/or Board of Survey will not hold an employee liable for any property loss attributable to inherent defects in the property. The loss of Federal Government property alone does not automatically indicate negligence. If the Survey Authority cannot prove negligence based on facts or convincingly demonstrate in a written argument that the employee acted in an imprudent manner, it cannot arrive at a determination of negligence.

Under circumstances other than the above, employees will be held financially liable when a thorough investigation determines that:

INDIAN AFFAIRS MANUAL

- 1) Property loss was a result of use for other than official purposes;
- 2) Property loss was due to simple or ordinary neglect or negligence, which is an act or omission of the employee in which he or she failed to exercise the degree of care, precaution, attention, and vigilance which a prudent person would exercise under normal circumstances;
- 3) Property loss resulted from a supervisor or manager who failed to provide an employee with adequate instructions or authorized the use of the property by an employee unfamiliar with its operation (in such cases, the supervisor or management official may be found negligent); or
- 4) Property loss was due to gross negligence, which is an act or omission which constitutes misconduct in accordance with 370 DM 752, or a wanton and reckless disregard for the property.

Use of Federal Government property by non-government personnel must be authorized by a legal instrument such as a contract, cooperative agreement, etc. that contains the required property clauses. No survey action is required when such use of Federal Government property is properly authorized. Where Federal Government property is lost, damaged, or destroyed, a determination of liability and amount due, if any, will be made by the Contracting Officer or other designated Federal Government representative for the contract, memorandum of understanding, cooperative agreement, etc.

Unauthorized use of Federal Government property by non-government personnel is illegal (see 18 U.S.C. 641). If a Federal Government employee permits unauthorized use, the action should be considered a property irregularity, and must be reported to the OIG in accordance with DOI-AAAP-0111, Technical Operating Procedures for Stolen, Lost, Damaged, or Destroyed DOI Personal Property, Section 5, Table 5.

Any other illegal use should be reported to law enforcement authorities in accordance with DOI-AAAP-0111, Technical Operating Procedures for Stolen, Lost, Damaged, or Destroyed DOI Personal Property, Section 5, Table 5.

H. Assessing Financial Liability

Any deliberation as to the question of an employee's financial liability must be separate and apart from, and without prejudice to, any personnel action that may be under consideration (e.g., admonishment, reprimand, suspension, reassignment, demotion, etc.). The assessment of financial liability is not to be used in lieu of or as a form of disciplinary action.

Boards/Officers cannot recommend personnel actions and must confine their

INDIAN AFFAIRS MANUAL

recommendations to recovering Federal Government losses and correcting the cause of the incidents.

When the Board of Survey/Survey Officer finds that an employee should be held liable for property loss, damage, or destruction, the Board/Officer will determine and specify in writing the exact dollar amount of financial liability for which the employee should be held liable. More than one employee may be found negligent for an incident involving a piece of property, but the dollar amount must be prorated equally among the negligent employees. For example, if two employees are equally to blame for a loss, then the total amount of loss should be divided between them. The amount of financial liability assessed the employee is determined as follows:

- 1) Simple negligence: in cases where property loss, damage, or destruction was the result of simple or ordinary negligence, the amount of liability is calculated as follows:
 - a. Damage: The estimated or actual cost of repairs for damage that resulted from the incident, regardless of whether the property was repaired; or the replacement cost for a comparable item, whichever is less.
 - b. Loss or theft: The amount of liability for Federal Government property that was lost or stolen as a result of simple negligence will be the estimated or fair market value of the property computed by subtracting the accumulated depreciation from the acquisition value or the replacement cost of a comparable item, whichever is less.
 - c. Destruction: The amount of financial liability for Federal Government property which was destroyed as a result of simple negligence will be the estimated or fair market value of the property computed by subtracting the accumulated depreciable amount; or the replacement cost of a comparable item, whichever is lowest.
 - d. In no case involving simple negligence will the employee be assessed more than \$250, or one-month's disposable pay, and always the lesser amount. Under no circumstances should associated costs such as towing, storage, damage to private property, etc., be part of the liability assessed.
- 2) Gross negligence: in cases where an employee should be held liable for loss, theft, damage, or destruction of property, including vehicles and heavy equipment resulting from gross negligence, the amount of liability is calculated as follows:
 - a. Damage: The amount of financial liability for property damage will be the lower of the replacement cost of a comparable item or the estimated or actual cost of repairs, regardless of whether the property is repaired.

INDIAN AFFAIRS MANUAL

- b. Loss or theft: The amount of financial liability for property loss or theft of Federal Government property resulting from gross negligence will be the lesser of the replacement cost of a comparable item or the estimated or fair market value of the property computed by subtracting the accumulated depreciation from the acquisition value.
- c. Destruction: The amount of financial liability for destruction of Federal Government property resulting from gross negligence will be the lesser of the replacement cost of a comparable item or the estimated or fair market value of the property computed by subtracting the accumulated depreciation from the depreciable amount.
- d. Under no circumstances should associated costs such as towing, storage, damage to private property, etc., be part of the liability assessed.

Once the survey action is completed, the Report of Survey will be signed by the Survey Authority(s) and submitted through channels to the Reviewing Authority. If approved, the original Report of Survey will be used as authority to adjust the property records. Report of Survey files must be retained for six years and then destroyed.

I. Employee Notification of Findings and Determinations and the Appeals and Billing Process

The Board of Survey Chairperson or Survey Officer will send written notification to the employee who may be held liable for property loss and allow the employee to present a written statement of facts surrounding the loss. Any such statement must be presented to the Board of Survey/Survey Officer by the employee within 10 business days of the date of the notification. The statement(s) will become a part of the Report of Survey and will be considered in the investigation and determination of financial liability. The employee may orally address the Board within the same time frame but must provide an accompanying written statement of any facts he/she wishes the Board to include in the Report of Survey.

Once the survey action has been completed and approved, the Board/Survey Officer will notify the employee immediately of the findings and determinations. A copy of the signed, reviewed, and approved Report(s) of Survey, including the findings and determinations as well as appeal information will be provided to the employee as part of this notification process.

If the employee chooses to appeal the findings and determinations of the Board of Survey/Survey Officer, he/she may file an appeal with the Director, Office of Hearings and Appeals (OHA) within 30 days of the date of the decision transmitted by the

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 14

notification letter (see DOI-AAAP-0111, Technical Operating Procedures for Stolen, Lost, Damaged, or Destroyed DOI Personal Property, Section 4, Table 4.3 for the filing procedure). A copy of the appeal letter must be forwarded to the applicable property office to *ensure billing procedures are not implemented until the appeal is decided*.

Billing procedures will be suspended pending the outcome of a timely appeal. Billing will be reinstated if the OHA finds in favor of the Federal Government, or when the Director or an Appeals Board provides that a decision or any part of it should be in full force and effective immediately (see 43 CFR 4.21).

Within 10 business days of receipt of a copy of the notice of appeal, the official whose decision is being appealed should ensure that the entire *original* official file on the matter is transmitted to the Director, OHA (43 CFR 4.702). The official file cannot be a photocopy, and copies of photographs are not acceptable. The official file should be organized in a logical, chronological order, and bound or stapled to ensure that it does not become disorganized during the transmittal process.

When it is determined by the Board/Survey Officer that an employee should be held financially liable for Federal Government property loss, damage, or destruction, and that determination has been approved by the Reviewing Authority, then the Federal Government will establish its claim against the employee by billing the employee once 21 business days have passed since the determination was approved. Payment does not convey title to the property; rather, payment should be viewed simply as restitution to the Federal Government for losses suffered.

Amounts owed by the employee resulting from a survey action may be voluntarily remitted or collected by administrative offset in accordance with 31 U.S.C. 3716 (1988). Employees may replace lost, stolen, or destroyed items with a comparable item or have damaged items repaired upon written approval by the APO.

Because of the costs associated with the collection process, offices may elect not to collect small amounts in simple negligence cases. If the amount is less than the estimated cost to affect the collection and does not exceed \$100, the appropriate Finance Officer may waive it. All other requirements of DOI-AAAP-0111, 6.0, Technical Operating Procedures for Stolen, Lost, Damaged or Destroyed DOI Personal Property remain in full force and effect.

It should be noted that when an appeal decision favors the employee, no adverse actions will be taken against the employee. Copies of the final decision will be provided to the respective property assignee and all Survey Board members, as well as to the Director/Office Head, as appropriate. All decisions rendered are final. It is the

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 15

responsibility of the APO to ensure that decisions transmitted by the Survey Board and the Director, OHA are communicated to all applicable individuals and enforced.

J. Relief from Accountability

Relief from accountability basically means absolving a CPO, APO, and property assignee from liability from the loss, damage, theft, destruction, or unserviceability of property. The CPO or APO begins this process by ensuring he/she receives a completed, signed Report of Survey (form DI-103) or a Certificate of Unserviceable Property (form DI-103A) from the property assignee, and that all supporting documentation is attached. The form should contain the information listed below (if applicable):

- 1) All findings (facts and evidence) about the incident that were discovered through the inquiry process.
- 2) Findings that the missing, damaged, or destroyed property resulted from the property being used for other than appropriate and official purposes.
- 3) A determination of whether the incident resulted from negligence or willful misconduct, and whether the property assignee or unit is liable.
- 4) The decision of the Survey Officer or Board of Survey as to whether restitution is due to the IA as a result of the property assignee's negligence or willful intent.
- 5) Recommendations to the CPO to minimize future incidents of loss, damage, or destruction to IA personal property.
- 6) Any advice from the RPO or the Chief, Division of Property Management.

If the CPO receives the form first, he/she has must complete his/her review of the form and the supporting documentation within five business days, and then forward the form and any supporting documentation to the APO. The APO must then complete his/her review within 15 business days of receipt of the form from the CPO. If the APO receives the form first from the property assignee, the same process applies regarding the 15 day review. Once the APO has completed his/her final review of the form and documentation, he/she will finalize the process by providing the CPO and property assignee a copy of the findings, results, and recommendation.

INDIAN AFFAIRS MANUAL

Part 23

Property Management

Chapter 8

Managing Stolen, Lost, Damaged, or Destroyed Personal Property

Page 16

K. Removal of Surveyed Property from Accountability Records

Stolen, lost, damaged, and destroyed property will not be removed from the property accountability records in the Financial and Business Management System (FBMS) until the Reviewing Authority has approved the DI-103 or DI-103A form.

1.8 Reports and Forms.

- 1) Certificate of Unserviceable Property (form DI-103A) may not be used for motor vehicles, firearms, or museum property. Motor vehicles and firearms must be reported on a Report of Survey (form DI-103). The Board of Survey procedures are applicable for vehicles and firearms lost, stolen, damaged, destroyed, or unserviceable assets.
- 2) As noted above in section 1.7, the approved, *original* Report of Survey will be used as authority to adjust the property records in FBMS. Report of Survey files must be retained for six years and then destroyed.
- 3) Copies of approved Reports of Survey for property losses over \$50,000 should be forwarded through IA's DPM to the DOI PAM Office by the Regional PMO.
- 4) The APO will sign the Report of Survey (form DI-103) within three business days after the Report of Survey process is completed. The APO will sign the Certificate of Unserviceable Property (form DI-103A) within three business days of receiving the form. The RPO will use the signed forms as the supporting documentation to make the administrative adjustments in FBMS.

The DI-103 and DI-103A are DOI forms and are located here: <https://www.doi.gov/eforms> (click on the 'Official Files for Production' link as these forms are accessible only to DOI employees on the Virtual Private Network).

Approval

JASON FREIHAGE Digitally signed by JASON
FREIHAGE
Date: 2021.10.19 11:18:24 -04'00'

Jason Freihage
Deputy Assistant Secretary – Management (DAS-M)

Date