

ADS Chapter 478 - PAYMENTS TO MISSING EMPLOYEES

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(THIS ADS CHAPTER REPLACES HANDBOOK 26, CHAPTER 12 IN ITS ENTIRETY)

ADS Chapter 478 - PAYMENTS TO MISSING EMPLOYEES

478.1 Authority

1. [Public Law 98-259, dated April 10, 1984](#)
2. [5 United States Code section 5561 - 5596](#)
3. [ADS Chapter 530, Emergency Planning Overseas](#)

478.2 Objective

This chapter applies to Agency employees who are in active Federal service and are officially determined to be in a missing status, as defined in 478.4, Definitions. In addition, this chapter sets forth the regulations and procedures for the continuation of pay, allowances, and allotments until the Agency makes a determination of death or finding of death, or until the employee returns to the controllable jurisdiction of the Agency.

478.3 Responsibility

1. Principal USAID Officer is responsible for:
 - a. Informing the Principal Officer of the U.S. Diplomatic Mission when an unaccounted-for USAID employee may be missing because of hostile action.
 - b. Provides to the Principal Officer of the U.S. Diplomatic Mission the full details, including action taken by the USAID Mission to contact the employee.
 - c. Notifying the Bureau for Management, Office of Human Resources (M/HR) immediately (by cable if overseas) of an employee's missing status.
2. U.S. Mission Principal Officer is responsible for:

Reporting the incident to the host government, and formally request the host government to employ all means available to assist in locating the missing employee.
3. General Counsel is responsible for:

Recommending to the Deputy Assistant Administrator for Human Resources, Bureau for Management (DAA/M/HR) whether the provisions of the Missing Persons Act are applicable to the missing employee.

4. Deputy Assistant Administrator for Human Resources is responsible for:

- a. Keeping the case of an employee in a missing status under active review for twelve months when no official report of death or circumstances of the employee's continued absence has been received.
- b. Conducting full review of the missing employee's case, determining the continuance of the employee's missing status (if the employee can be presumed to be living) or to make a finding of death.
- c. Authorizing payments to be made for a period not to extend beyond the date of the receipt of evidence that the missing employee has returned to the controllable jurisdiction of the Agency or is deceased.
- d. Making all determinations necessary to administer the provisions outlined in this chapter.
- e. Making a finding of death upon receipt of information that establishes a reasonable presumption that the missing employee is dead.
- f. Determining entitlement of an employee in a missing status to pay and allowances, including credits and charges in the employee's account.
- g. Changing or modifying a previous determination when circumstances warrant such change.
- h. Waiving the recovery of erroneous payments or overpayments of allotments to eligible family member when recovery is deemed to be against equity and good conscience.
- i. Authorizing travel of eligible family member, transportation or other disposition of household effects
- j. In consultation with the Office of the General Counsel (GC), keeps the Mission apprised of the administrative actions taking

place in USAID/Washington on behalf of the missing employee, and any actions that may be required of the Mission.

5. The employee is responsible for:

Electing in writing, within 90 days following cancellation of missing status, whether the employee desires payment for leave, or credit for the leave.

478.4 Definitions (See [ADS GLOSSARY](#))

ALLOTMENT
DEPENDENT
EMPLOYEE
MISSING STATUS
PAY AND ALLOWANCES

478.5 Policy

The following are the official Agency policies and corresponding essential procedures:

478.5.1 ENTITLEMENTS

The Agency shall adhere to the entitlement policies and procedures stated in 5 USC 5562. (See **Mandatory Reference, [5 USC 5562](#)**)

478.5.2 TRANSPORTATION AND HOUSEHOLD EFFECTS

The Agency shall adhere to the transportation and household effects policies and procedures stated in 5 USC 5564. (See **Mandatory Reference, [5 USC 5564](#)**)

478.5.3 CLAIMS

The Agency shall adhere to the claims policies and procedures stated in 5 USC 5564(h). (See **Mandatory Reference, [5 USC 5564\(h\)](#)**.)

478.5.4 ALLOTMENTS

The Agency shall adhere to the allotment policies and procedures stated in 5 USC 5563. (See **Mandatory Reference, [5 USC 5563](#)**.)

478.5.5 INCOME TAX DEFERMENT

The Agency shall adhere to the income tax deferment policies and procedures stated in 5 USC 55687 (**See Mandatory Reference, [5 USC 5568.](#)**)

478.6 Supplementary Reference - N/A

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