

~~ADMINISTRATIVE - INTERNAL USE ONLY~~(b) (2)  
(b) (3)~~ADMINISTRATIVE - INTERNAL USE ONLY~~**Date:** 02/07/2002**Category:** 20 - Human Resources      **OPR:** HR**Title:** AR 20-34    PAY & ALLOWANCES FOR MISSING PERSONS

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**REVISION SUMMARY:** 07 February 2002 (0611)

This revision supersedes AR 20-34, dated 25 October 2000.

AR 20-34 is revised to update organizational and officer titles; and to delegate additional responsibility to Chief Human Resources Officer. This revision reflects the Agency's organizational restructure that resulted from the DCI's decision, effective 4 June 2001 to abolish the Directorate of Administration, and establish the Mission Support Offices (MSOs).

*Boldfaced text in this regulation indicates revisions .*

*This revision was written by the Policy Team, Human Resources Strategy & Planning Staff, at HRM Policy@DA*

**34. (U) PAY AND ALLOWANCES FOR MISSING PERSONS**

**(U) SYNOPSIS.** This regulation states Agency policy, authorities, and responsibilities for the authorization and payment of pay, allowances, and certain other benefits for missing persons.

- a. **(U) AUTHORITY.** Sections 4 and 8 of the Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403e and 50 U.S.C. 403j) and the Missing Persons Act, as amended (5 U.S.C. 5561, et seq.).
- b. **(U) GENERAL.** Missing persons are those employees in active service and officially determined by the **Chief Human Resources Officer** to be in a missing status, which includes missing, missing in action, interned in a foreign country, captured by a hostile force, or detained in a foreign country against their will. Those employees the **Chief Human Resources Officer** determines to be absent from their duty post without authority are excluded. The term employee includes any Agency employee who is a citizen or national of

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the United States or an alien admitted to the United States for permanent residence (permanent resident alien) but does not include intermittent employees or native labor casually hired on an hourly or daily basis. Full-time contract employees who are U.S. citizens or permanent resident aliens are included by statute; part-time contract employees and independent contractors who are U.S. citizens or permanent resident aliens may be granted similar benefits when stipulated in their contracts

c. (U) **POLICY**

- (1) Employees, as defined in paragraph b above, absent from duty in a missing status are entitled to continued pay and allowances.
- (2) As detailed in paragraph d below, Operating Officials, Heads of Independent Offices, and Chiefs of Installations will promptly report each missing persons case to the **Chief Human Resources Officer** who will authorize the establishment, continuance, suspension, resumption, or termination of allowances and allotments for the individual, as appropriate. Prompt action also will be taken to report the missing status of U.S. citizen independent contractors, whether or not they are entitled to a contractual missing persons benefit.
- (3) Nothing in this regulation will be construed to limit the responsibility of the Deputy Director for Operations (DDO) in taking prompt and continuous action to protect a missing person who may be in hostile custody and, through countermeasures, to protect the Agency, its personnel, and agents who may be compromised.

d. (U/AIUO) **AUTHORITIES AND RESPONSIBILITIES.** All authorities vested in the Director of Central Intelligence (DCI) by the Missing Persons Act, as amended, are delegated to the **Chief Human Resources Officer**.

(1) The **Chief Human Resources Officer** will:

- (a) Assume general responsibility for ensuring that Agency personnel are accorded the benefits provided by and for ensuring compliance with this regulation. Following an evaluation of the reported evidence and such additional investigation as required, the **Chief Human Resources Officer**, when applicable, will authorize the continuance of the individual's pay, allowances, and allotments for an initial period not to exceed 12 months. While an individual is in a missing status, the **Chief Human Resources Officer** may direct the increase, decrease, or continuation of allotments made prior to the individual's absence. In the absence of an allotment authorized by the individual, or when an existing allotment is insufficient to meet the individual's financial obligations, the **Chief Human Resources Officer** may direct new allotments or increases as circumstances warrant, not to exceed the pay and allowances to which the missing person is entitled. The **Chief Human Resources Officer** will terminate the missing status if the individual returns to the Agency's jurisdiction.
- (b) Make a finding of death at any time when evidence is received which, in his or her opinion, conclusively establishes that the employee is **deceased**. At the review before expiration of the initial 12-month period, the **Chief Human Resources Officer** may find the employee is **deceased** even if the evidence of death is less than

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conclusive. At that review, the **Chief Human Resources Officer** shall continue the employee in missing status if, in his or her view, the available evidence establishes a reasonable presumption that the employee is still alive. If, after this review, the individual remains in a missing status, the **Chief Human Resources Officer** shall make a finding of death thereafter upon receipt of information which establishes a "reasonable presumption of death" (conclusive evidence of death is not required). If circumstances warrant reconsideration of a determination of death (or of any other determination) made pursuant to the Missing Persons Act, the **Chief Human Resources Officer** may change or modify it.

- (c) Coordinate each case with appropriate Agency officials, including the head of the missing employee's office; Chief, Counterintelligence Center; Chief, External Operations and Cover Division; **Director of Security**; and the General Counsel.
  - (d) Prepare correspondence notifying an emergency addressee or next of kin of an individual's missing status or death for the DCI's signature in a manner consistent with cover and security.
  - (e) Handle administrative communications outside the Agency, including contacts with the missing employee's emergency addressees, dependents, and insurance companies.
- (2) Operating Officials, Heads of Independent Offices, and Chiefs of Installations will:
- (a) Report promptly in writing to the **Chief Human Resources Officer** all information obtained on missing persons cases. Reports to the **Chief Human Resources Officer** will include such details as the individual's employment relationship, grade, pay status, time and place of disappearance, or time and place the individual was last seen or contacted, cause or contributing circumstances, witnesses' statements, extent of search and results, names of persons notified and dates of notification.
  - (b) Upon determination that Agency employees or independent contractors are missing or deceased, seek to account for government property charged to the custody of the missing or deceased persons and advise the **Chief Human Resources Officer** of discrepancies or outstanding debts due the Agency.

e. (U) **BENEFITS**

- (1) Eligible missing persons will have credited to their accounts the same pay and allowances to which they would be entitled were they on active duty. Pay and allowances will continue for the duration of their missing status, and rights thereto will be unaffected by the expiration of the agreed term of service.
- (2) Whenever an individual is in a missing status for a period of more than 29 days, his or her dependents and household and personal effects, including one privately owned motor vehicle, may be moved to the official residence of the individual, his or her dependent, next of kin, or any other person designated by the **Chief Human Resources Officer** to receive custody of the effects; or, upon application by such designee to such other location as may have been determined in advance or as may be subsequently approved, so long as there is a reasonable relationship between the designee and the requested

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transportation destination. After such travel/transportation, the **Chief Human Resources Officer** may authorize reimbursement for the commercial cost of the transportation, or a monetary allowance in lieu of transportation as authorized by law for the whole or such part of the travel for which transportation in kind is not furnished. However, a monetary allowance in lieu of transportation is authorized only for full-time employees.

- (3) Full-time employees in missing status at the time a Federal income tax payment or return would have been due will have the income tax payment or return become due on the earlier of the 15th day of the third month following their return from missing status or, in the case of death or incompetency, the 15th day of the third month following the appointment of an administrator, executor, or conservator of the estate. Part-time staff and contract employees and independent contractors are not eligible for the tax deferral benefit set forth in this paragraph.
- (4) Employees in a missing status on or after 1 January 1965 are entitled to payment for or restoration of annual leave that accrued but was forfeited while they were missing. Employees returned from a missing status may receive a lump-sum payment for restored annual leave at their basic pay rate in effect when the leave was forfeited or use the leave within a time limit established by the **Chief Human Resources Officer**. Employees will notify the **Chief Human Resources Officer** in writing of their choice within 90 days following their return from missing status.