

Office of Government Ethics
91 x 18 -- 05/29/91

Letter to an Agency Ethics Official dated May 29, 1991

We have reviewed your May 3, 1991, request for an extension of the filing deadline beyond the 45 days granted to individual agencies under the provisions of 5 C.F.R. § 2634.201(f).

Your request says that [an employee] assumed an SF-278 covered position on January 15, 1991. You state that [the employee], who is stationed [in a foreign country], has had difficulty in moving his household effects to [the foreign country] and does not know when he will receive his household effects containing his financial records so that he may complete his SF-278. Your request further says that [in his position the employee] must travel extensively in his posted region. He has, therefore, requested an extension through June 15, 1991, for filing his public financial disclosure report.

According to your request [the employee's] SF-278 was originally due on February 15, 1991, and you granted [the employee] an initial 45-day extension pursuant to 5 C.F.R. § 2634.201(f). However, you did not begin the initial 45-day extension until March 18, 1991, 30 days after the February 15, 1991, due date. Let me take this opportunity to clarify that the provisions of 5 C.F.R. § 2634.201(f) do not allow for a 30-day grace period in addition to the 45-day extension. The agency only has the authority to grant a 45-day extension for filing an SF-278 beyond the original due date. The agency may request an additional 45-day extension from the Office of Government Ethics.

According to our calculations, the initial 45-day extension granted by your office expired on April 1, 1991. Thus, we are only able to grant [the employee] an extension for filing his public financial disclosure report until May 16, 1991.

Finally, please be aware that the Ethics Reform Act of 1989, as amended, established a \$200 late filing fee for reports filed more than 30 days after the last day of a filing extension. [The employee] will be subject to the late filing fee if he has not filed his new entrant financial disclosure report on or before June 15, 1991.

Sincerely,

Stephen D. Potts
Director