

MISSING PAGE

ORIGINAL DOCUMENT MISSING PAGE(S):

Attachments

"Consultant" Defined

23 Comp. Gen. 497 at 499 (December 14, 1943)

. . . "The general understanding or concept of the term, 'consultant', appearing in the statutes under considerations that said term denotes one who serves in an advisory capacity to an administrative officer of the Government, as distinguished from one who serves as an administrative officer or employee in the performance of the duties and responsibilities imposed by law upon the agency in which employed. That is to say, a consultant is one who expresses his views or gives his opinion regarding a problem or question presented to him by the administrative officers, but he does not perform, or supervise the performance of, the duties and responsibilities imposed by law upon the agency.

"The question whether an officer or employee of the Government is a 'consultant' is, generally, one of fact, rather than one of law, and as such, is for determination primarily by the administrative authority on the basis of the functions assigned and of the duties performed. The title, 'consultant,' ascribed to one holding an appointment to an office or position may be regarded, generally, as prima facie evidence that the incumbent is a consultant within the meaning of that word as above set forth but, as you doubtless are aware, such evidence is not conclusive, and may be rebutted by facts disclosing the status of the incumbent to be otherwise. Hence, in the absence of definite and conclusive evidence of record to the contrary, this office, in the audit of traveling expense vouchers, is not disposed to question an administrative certification by competent authority that a particular officer or employee is a consultant." . . .

"Consultant" Defined

24 Comp. Gen. 631 at 633 (1945)

. . . "A 'consultant' has been defined as one who serves in an advisory capacity to an administrative officer of the Government as distinguished from one who serves as an administrative officer or employee in the performance of the duties and responsibilities imposed by law upon the agency in which employed. That is to say, a consultant is one who expresses his views or gives his opinion regarding a problem or question presented to him by the administrative officers but he does not perform, or supervise the performance of, the duties and responsibilities imposed by law upon the agency. See 23 Comp. Gen. 497, at page 499." . . .