

Is a Secretary Liable For Causing Her Boss to Lose a Promotional Offer by Withdrawing Money From His Account?

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Question: My bank offered a \$750 promotion to any account holder who keeps \$20,000 in his account for 90 days. I deposited that amount of money and told my secretary to make sure not to pay any bills from that account for 90 days. She didn't listen and paid a bill from that account, which caused me to lose the \$750. Can I demand that she reimburse me for the money?

Answer: This case is similar to the story of the money manager who caused his client to lose his Earned Income Credit, which we discussed in a previous segment. We said that was a case of *mevatel kiso shel chavero*, not *garmi*, so the money manager is liable in *dinei Shomayim* but not in *dinei odom*. In this case, it would seem that the secretary caused a similar loss of profit for her boss, as he stood to make \$750 that she caused him not to make.

However, this case is different because when banks offer a promotion like this, the customer doesn't have to file a claim or do anything besides deposit the money and keep it in his account. The bank then automatically deposits the promotional money into the account. Once the \$20,000 is in his account, everything happens electronically. The \$750 is set aside for the customer and is almost already his. If the secretary causes that money to be lost, this could be considered more direct damage, which would be considered *garmi*; accordingly, she is liable to pay even in *dinei odom*.