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United States General Accounting Office  
Washington, DC 20548

Office of  
General Counsel

In Reply  
Refer to: B-195542

OCT 25 1979

William J. Burns  
Chief, TTR  
FM/ESD/AID/W  
Department of State  
Agency for International Development  
Washington, D.C. 20523

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Dear Mr. Burns:

You request a ruling by our Office on the legality of shipments of unaccompanied baggage from different origins at different times in connection with the home leave of Mr. Sean P. Walsh and family. Under 31 U.S.C. 74 (1976), a disbursing officer or the head of any executive department, and under 31 U.S.C. 82d (1976), a certifying officer, is entitled to a decision by the Comptroller General on any question of law on a payment to be made. Although not entirely clear, the record here indicates that the payments may have been made and are now under investigation. The requesting party is not the head of an agency and is not shown to be either a certifying or disbursing officer. The record furnished does not appear to be otherwise sufficiently clear and complete to warrant a decision by the Comptroller General at this time.

However, we present the following information for your guidance.

By travel authorization KOR 77-33, dated May 25, 1977, and amendments, Mr. Walsh and his dependants were authorized to travel from Seoul, Korea, to Egremont, Massachusetts, and return. Mr. Walsh was authorized four weeks TDY in Washington, D.C., for consultation. The travel was performed from June 22 to September 16, 1977, by Mr. Walsh, and from June 22 to August 26, 1977, by his dependants.

In conjunction with the home leave, Mr. Walsh was authorized to ship 700 pounds of unaccompanied baggage as provided in 6 FAM 147.2a for Mr. Walsh, his wife and two children. Five pieces of unaccompanied baggage, weighing 419 pounds, were shipped from Washington, D.C., to Seoul, Korea, on August 19, 1977.

Subsequent to the return of Mr. Walsh on September 16, three additional shipments of unaccompanied baggage were shipped to Seoul and charged to his home leave and return to post (HL/RTP) voucher. On February 11 or 17, 1978, and March 11, 1978, half a year after the actual HL/RTP travel, 57 pounds of unaccompanied air freight was shipped from Katmandu, Nepal,



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and from Kabul, Afghanistan, to Seoul. And on June 27, 1978, an additional 11 pounds of unaccompanied air baggage was shipped from Kabul to Seoul at a cost of \$35.68 of which Mr. Walsh charged \$26.95, based on a constructive cost from Egremont, Massachusetts, to the HL/RTP voucher. You state that a review of Mr. Walsh's travel folder indicates that he visited Kabul, Afghanistan, on official TDY from March 2 to March 5, 1978, and Katmandu from February 13 to February 19, 1978, under travel authorization AID K821006, dated October 12, 1977.

You ask the following questions:

1. Can Mr. Walsh be reimbursed for his shipments of unaccompanied air freight from Katmandu and Kabul made long after the return from home leave and while traveling under other than his HL/RTP travel authorization?
2. Is there a time limit for shipment of unaccompanied air freight under home leave travel authorization?, and
3. Are there any limitations as to the points of origin and destination under home leave travel authorizations?

For the purposes of our response we assume that the total weight of the shipments did not exceed the 700 pounds authorized for unaccompanied baggage.

The subject travel authorization provides that unaccompanied baggage is authorized "in accordance with 6 FAM section 147.2."

The regulations governing unaccompanied baggage are published in 6 FAM 147.2. These regulations provide in pertinent part that unaccompanied baggage is considered to be those personal belongings needed by the traveler while en route or immediately upon arrival at destination and it is intended that transportation of unaccompanied baggage shall be initiated promptly, preferably in advance of the traveler's departure. See subparagraph c. The regulations further provide, subparagraph d, that unaccompanied baggage is not authorized for TDY travel unless specifically authorized in the travel authorization or when such TDY travel is in conjunction with travel on direct transfer, home leave or home leave and transfer, "in which case unaccompanied baggage may be shipped between points specified in such authorization." (emphasis added).

Therefore, to answer your third question first, the regulations limit the shipment of unaccompanied baggage to the points specified in the travel authorization.

In answer to your second question, in view of the purpose for authorizing the unaccompanied baggage allowance as expressed in subparagraph

c of section 147.2, shipments of unaccompanied baggage should ordinarily take place sometime after the travel authorization authorizing the unaccompanied baggage allowance and prior to completion of the travel authorized, in this instance September 16, 1977. Any later shipments under an unaccompanied baggage authorization would seem to require a special justification. In this connection it should be noted that for international travel a 12 month period is expressly provided for the shipment of all effects, section 132.2-1, 6 FAM. However, effects and baggage are separately defined in section 117 of 6 FAM, and, are, therefore, separately considered and treated.

As indicated above the time during which shipments of unaccompanied baggage should be made is limited by the purpose expressed in subparagraph c of section 147.2 of 6 FAM to the period between authorization and completion of the travel. Subparagraph d expressly limits the shipments to the authorized origin and destination and prohibits such shipments for TDY travel unless specifically authorized in TDY travel authorization. The shipments from Katmandu and Kabul were made during TDY travel and charged to unused weight of unaccompanied baggage of a prior and different travel authorization. To allow reimbursement under such circumstances would seem to be contrary to the provisions of section 147.2d.

However, section 147.2b provides that the unaccompanied baggage allowance is in addition to the household effects allowance shown in section 162.2. Section 162.2 of 6 FAM sets forth the weight allowances of household and personal effects which may be shipped at Government expense for the several grades of State Department personnel. Section 162.3 provides that these allowances are automatically increased by the amounts of any unused weight authorization for unaccompanied baggage. If applicable, this provision would permit reimbursement, not to exceed the cost of transporting the property in one lot by the most economical route between the authorized origin and destination, for the shipment of the "baggage" as effects between any points at any time within 12 months after completion of the travel as provided in section 132.2-1 of 6 FAM, if international travel, or within 6 months if domestic travel. See the Civilian Personnel Law Manual of the General Accounting Office, Title IV, pages 9-24 to 9-25.

In answer to your first question, we note that in connection with home leave Mr. Walsh was authorized storage of effects, which includes costs of packing, transportation to and from storage and storage, sec. 172 of 6 FAM. We have been informally advised by Mr. Veno of your office that your office takes the position that the applicability of section 162.3 of 6 FAM is limited to travel in connection with which the transportation of effects is authorized as in the case of home leave and

B-195542

transfer. While the situation is not free from doubt, we are inclined to agree with your office in order to give effect to the restrictions of subparagraphs c and d of section 147.2 of 6 FAM. Therefore, we believe that the movements of unaccompanied baggage from Katmandu and Kabul are probably unauthorized and such expenses should not, in the future, be reimbursed. However, in view of the ambiguity in the regulations, we do not believe that the expenses should be questioned in this instance. We suggest that the regulations should be clarified for the future.

Sincerely yours,

L. Mitchell Dick

L. Mitchell Dick  
Assistant General Counsel