

Ph-2

13313



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-196449

March 31, 1980

The Honorable Peter W. Rodino, Jr.
Chairman, Committee on
the Judiciary
House of Representatives

250

Dear Mr. Chairman:

Further reference is made to your letter of February 15, 1980, requesting our [views on H.R. 6482, a bill "[f]or the relief of James A. Ferguson."]

The bill provides that Mr. James A. Ferguson be relieved of his liability of \$1,912.16 to the United States resulting from an overpayment of a travel advance incident to Mr. Ferguson's transporting his mobile home upon a permanent change of duty station. The bill also directs the Secretary of the Treasury to pay out of any money not otherwise appropriated to James A. Ferguson an amount equal to any amounts either paid by or withheld from sums due him in complete or partial satisfaction of the liability of \$1,912.16 to the United States.

Mr. Ferguson's claim for the amount which is the subject matter of this bill was disallowed by our Claims Division on June 11, 1979. That disallowance was sustained by our decision, James A. Ferguson, B-196449, January 9, 1980, copy enclosed.

As the decision indicates, the basic facts are that the Air Force erroneously advised Mr. Ferguson that the Government would bear the entire cost of moving his mobile home incident to his permanent change of duty station from Yuba City, California, to Randolph Air Force Base, Texas. Because of this misconception on the part of the Air Force, Mr. Ferguson, a civilian employee, was advanced \$7,600 to cover the transportation of his mobile home.

When Mr. Ferguson completed his relocation, he submitted a voucher indicating that he had incurred \$8,519.62 in reimbursable travel expenses. Upon auditing the voucher, the Air Force disallowed \$2,831.78 and approved the remaining \$5,687.84 of the claimed \$8,519.62. The disallowance of \$2,831.78 was because

009530

B-196449

his transportation of his mobile home exceeded the maximum reimbursement under the applicable regulations for shipment of mobile homes for civilian personnel of the military services. Accordingly, since he had received a travel advance of \$7,600 and had allowable expenses of \$5,687.84, the Air Force took steps to recoup the difference of \$1,912.16.

Mr. Ferguson filed a claim in our Claims Division seeking allowance of the total costs of his move or in the alternative waiver of his debt of \$1,912.16. Upon its initial denial, he requested reconsideration of the denial which prompted the enclosed decision.

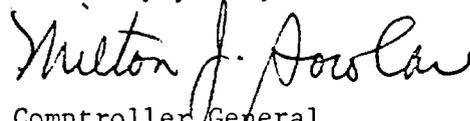
The claim for the total cost of Mr. Ferguson's move was denied because his reimbursement was limited by the specific provisions of 5 U.S.C. 5724(b). This statutory provision limits the amount the Government may pay for the commercial movement of an employee's mobile home to the maximum payment which an employee could have received for the transportation and temporary storage of his household effects. Since the Air Force allowed him an amount in accordance with this specific statutory authority, further reimbursement was precluded.

Regarding waiver of Mr. Ferguson's debt of \$1,912.16, we pointed out to him that the Comptroller General's waiver authority is limited by the express provisions of 5 U.S.C. § 5584(a) which provides that waiver may not be granted for indebtedness arising out of erroneous payment of relocation expenses.

Finally, in our decision, we pointed out the Air Force admitted that it supplied Mr. Ferguson with erroneous information regarding his statutory entitlement to relocation expenses. However, the reliance on erroneous information by an employee to his detriment affords no legal basis for payment of a claim for which there is an absence of specific statutory authority.

Enactment of this legislation will result in preferential treatment of the individual over others similarly situated.

Sincerely yours,



For the Comptroller General
of the United States

Enclosure