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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548



OFFICE OF GENERAL COUNSEL

IN REPLY REFER TO: B-200120

October 9, 1980

Lieutenant Colonel Darrell G. Brumfield, USA  
Headquarters XVIII Airborne Corps  
and Fort Bragg  
Fort Bragg, North Carolina 28307

Dear Colonel Brumfield:

This is in response to your letter of June 25, 1980, to the President of the United States regarding our decision 52 Comp. Gen. 769 (1973) concerning the advance shipment of household goods and transportation of dependents prior to issuance of orders. Your letter was referred to us since it concerned a decision of our Office.

In your letter to the President, you have expressed the view that an individual should be able to plan for retirement from the military service at least 2 years in advance, particularly in shipping household goods.

The general rule, as expressed in 52 Comp. Gen. 769, supra, is that the Joint Travel Regulations which implement the statute (37 U.S.C. § 406 (1976)) authorizing movement of household goods, precludes shipment of household goods at Government expense when shipment occurs prior to the issuance of orders, except upon certification by proper authorities that shipment was due to an emergency, exigency of the service, or required by service necessity.

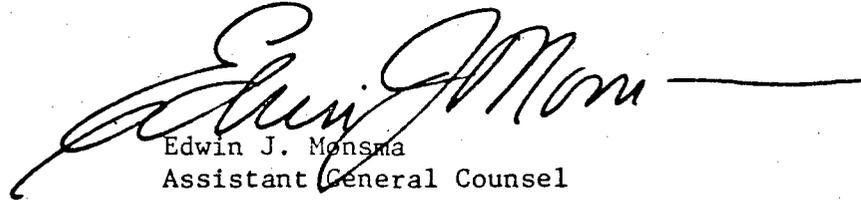
General information as to the time of eventual release from active duty has consistently been held to be insufficient to meet the requirements of the regulations for advance shipment of household goods. Such information as date of eligibility for retirement, time of eventual release from active duty, or application for retirement, may not be considered as advice that the orders are to be issued. 52 Comp. Gen. 769 (1973); B-186377, September 1, 1976; B-187216, February 1, 1977; and B-194438, April 16, 1979.

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The liability of the Government for the cost of transporting a member's household goods incident to a change of permanent station or, as in your case, retirement, is limited to that authorized by law and implementing regulations. Since the rules applied in the decisions cited above are based on the existing law, to change the rules as you desire would appear to require a change in the law. Thus, neither this Office nor the Department of Defense can provide for shipment of household effects in the circumstances you relate.

Sincerely yours,

A handwritten signature in cursive script, reading "Edwin J. Monsma", followed by a horizontal line extending to the right.

Edwin J. Monsma  
Assistant General Counsel