

**DECISION**

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

FILE: B-186162

DATE: SEP 20 1976 61512 98011

MATTER OF: **Beverley K. Hansen - New Appointee's Claim  
for Relocation Expenses**

DIGEST: Employee of Civil Aeronautics Board hired as new appointee to manpower shortage position in Washington, D.C., may not be reimbursed for expenses incurred while occupying temporary quarters and miscellaneous expenses even though she was misinformed as to entitlement thereto through administrative error. Items are not listed in regulations as reimbursable, reimbursement is specifically prohibited by paragraph 2-1.5f(4), Federal Travel Regulations (FPMR 101-7) (May 1973), and Government cannot be bound beyond actual authority conferred upon its agents by statute or regulations.

This action is in response to a request dated March 16, 1976, by Ms. Kathleen L. Wareham, Authorized Certifying Officer, Civil Aeronautics Board, for an advance decision as to whether she may certify for payment a travel voucher submitted by Ms. Beverley K. Hansen, an employee of the agency, in the amount of \$548.24, representing miscellaneous expenses and subsistence expenses while occupying temporary quarters incurred incident to her travel as a new appointee to a manpower shortage position in Washington, D.C.

The pertinent facts and circumstances involved are stated in the submission as follows:

"In October 1975, Ms. Hansen was hired as a Shortage Category Appointee from Los Angeles, California to our Washington, D.C. office. The travel was authorized under Travel Authorization number 279, dated October 2, 1975.

"At the time the travel was anticipated our Personnel Office did not inform the Office of Comptroller that Ms. Hansen was a

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new appointee, but indicated she was transferring from another Government agency. Based on this information an allowance for temporary quarters was approved.

"Upon Ms. Hansen's arrival in Washington, D.C., the Office of Comptroller discovered that she was a new appointee and not a transfer. At this time Ms. Hansen was told she was not allowed subsistence while occupying temporary quarters nor was she allowed any miscellaneous expenses involved with her temporary quarters as stated in FPMR 101-7, 2-1.5f.

"The error involved was caused by a misunderstanding between our two offices and was in no way the fault of Ms. Hansen. In accepting the job Ms. Hansen was led to believe that she would be paid all expenses that were incurred in her move, from Los Angeles to Washington, D.C. Had she known, in advance, that all her expenses would not be paid she would have had the opportunity to judge the pros and cons of the move and she might have declined the job offer."

The submission also indicated that the agency felt Ms. Hansen should be reimbursed the items claimed since she accepted the job with the belief that she was allowed such items.

Appointees to manpower shortage positions are entitled to travel and transportation expenses in accordance with 5 U.S.C. § 5723 (1970) which provides for reimbursement of the travel expenses of the appointee and payment of the transportation expenses of his immediate family and his household goods and personal effects to the extent authorized in 5 U.S.C. § 5724. Implementing regulations contained in paragraph 2-1.5f(3) of the Federal Travel Regulations (FPMR 101-7) (May 1973) set forth as

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allowable expenses of shortage-category appointees: (a) travel expenses including per diem for the appointee, (b) transportation for the immediate family of the appointee, (c) mileage if privately-owned vehicle is used in travel, (d) transportation and storage of household goods, (e) nontemporary storage of household goods if appointed to an isolated location, and (f) transportation of mobile homes. Subsection (4) of the same paragraph provides as follows:

"Expenses not allowable. Items of expense not listed in (3), above, which are authorized for reimbursement in case of transfers under these regulations; for example, per diem for family, cost of house-hunting trip, subsistence while occupying temporary quarters, miscellaneous expense allowance, residence sale and purchase expenses, lease-breaking expenses, are NOT allowable to appointees and student trainees eligible under 2-1.5f."

Subsection (3), supra, does not list the items claimed as items to which a new appointee is entitled. Also, subsection (4) specifically prohibits reimbursement of subsistence expenses incurred while occupying temporary quarters and miscellaneous expenses to a new appointee to a manpower shortage position. Therefore, Ms. Hansen is not entitled to the items claimed.

We recognize that the error involved was caused by a misunderstanding between the two administrative offices and was in no way the fault of Ms. Hansen and that, had she been aware of the limitation on the benefits to which she was entitled, she might have declined the job offer. However, it is a well-settled rule of law that the Government cannot be bound beyond the actual authority conferred upon its agents by statute or by regulations, and this is so even though the agent may have been unaware of the limitations on his authority. See Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380, 384 (1947); German Bank v. United States, 148 U.S. 573, 579 (1893); 54 Comp. Gen. 747, 749 (1975); 53 id. 11, 15 (1973); and B-181080, May 21, 1974.

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Accordingly, the travel voucher, together with supporting papers, is returned and may not be certified for payment.

R.F. KELLER

Deputy Comptroller General  
of the United States