

DOCUMENT RESUME

03188 - [A2273391]

[Storage and Transportation of Household Effects from Overseas].  
B-179901. August 10, 1977. 4 pp. + 2 enclosures (2 pp.).

Decision re: J. Bruce Siff; by Robert F. Keller, Deputy  
Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation  
(305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel  
Management (305).

Organization Concerned: Department of the Air Force.

Authority: 5 U.S.C. 5724(a)(2). 5 U.S.C. 5722. 2 J.T.R., para.  
C7053-5c. 49 Comp. Gen. 145. BOB Circular A-56. B-182648  
(1975). B-162442 (1967). B-183429 (1975).

A former Federal employee appealed a decision denying his claim for reimbursement of expenses incurred in the nontemporary storage and transportation of his household effects to an alternative destination incident to his separation travel from overseas. The employee sustained an on-the-job injury while employed overseas which necessitated treatment in military hospitals and disability retirement. As a result of the disability, the employee was unable to accept delivery in the United States of household goods and baggage within the 60-day temporary storage period. Reimbursement of the costs of storage beyond the 60-day temporary period was not authorized.

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**DECISION**



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

*Agency: Department of Air Force*

FILE: B-179901

DATE: August 10, 1977

MATTER OF: J. Bruce Siff - Storage and transportation of household effects from overseas

**DIGEST:** Civilian employee of Department of Air Force sustained on-the-job injury while employed overseas necessitating extensive medical care and treatment in military hospitals and disability retirement. As a result of disability employee was unable to accept delivery in United States of household goods and baggage within 60-day temporary storage period. Reimbursement of costs of storage beyond the 60-day temporary period is not authorized.

Mr. J. Bruce Siff, a former civilian employee of the Department of the Air Force, appeals from the settlement action of our Claims Division dated December 2, 1975, which disallowed his claim for reimbursement of expenses totaling \$682.14 incurred in the nontemporary storage and transportation of his household effects to an alternate destination incident to his separation travel from Izmir, Turkey, to Buffalo, New York.

The record discloses that by Travel Order No. A-4211, November 23, 1970, Mr. Siff was assigned to his first duty station in Yamanlar, Turkey, by the Air Force. His residence at the time was in Buffalo, New York. While in Turkey the claimant sustained an on-the-job spinal injury and received extensive treatment in orthopedic clinics in various military hospitals. En route to the United States he had to stop for additional medical treatment.

By Travel Order No. A-114, July 29, 1971, Mr. Siff was authorized return travel and transportation from overseas for purposes of separation from Izmir, Turkey, to Buffalo, New York, his designated actual place of residence in the continental United States. Nontemporary storage of household goods was not authorized. His household effects were shipped from Turkey to Niagara Falls, New York, at Government expense and placed in commercial storage in Niagara Falls on September 15, 1971.

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Mr. Siff received a disability retirement. In accordance with the regulations then in effect contained in sections 6.1a and 6.61, Bureau of the Budget (BOB) Circular No. A-56, October 12, 1966, the costs of temporary storage of Mr. Siff's household goods covering the period September 15 through November 14, 1971, 60 days, were paid by the Government.

In his letter of January 15, 1972, to the Transportation Officer, Niagara Falls, New York, Mr. Siff reported that he had been under medical care and treatment prior to his return travel to the United States. He stated that he had been directed to continue such treatment for about 10 weeks and to remain away from the severe climate of the northeast United States until the climate moderated. Based upon the advice of his doctor, he stated he expected to return to Buffalo late in April and at that time would make arrangements for delivery of his baggage and, as he was not receiving any salary, make arrangements for the disposal of his household goods.

Due to his spinal disability and resultant forced inactivity, Mr. Siff was unable to remove his household effects from storage until February 1973 when he had such goods delivered to him in Washington, D.C., where he was residing at that time. An invoice dated March 12, 1973, shows that the claimant paid the commercial moving and storage company \$321 for costs of storing his household goods (from November 15, 1971, until the date they were shipped to Washington, D.C.) and \$361.14 for transporting them to Washington, D.C., a total of \$682.14. Mr. Siff is seeking reimbursement of the \$682.14 on the basis that he was precluded from accepting delivery of his household goods due to receiving medical treatment for his job-related spinal injury.

As stated earlier the regulations in effect during the period in question, sections 6.1a and 6.61, BOB Circular No. A-56, October 12, 1966, provided for the payment of actual expenses of storage of household goods and personal effects being shipped to or from points outside the continental United States for a period of 60 days or less. Such regulations did not provide reimbursement for storage of household effects for any period of non-temporary storage (in excess of 60 days) in the circumstances involved in this claim. The aforementioned regulations were promulgated pursuant to statutory authority contained in 5 U.S.C. § 5724(a)(?) of title 5, United States Code, and therefore have the force and effect of law. Accordingly, the time limitations

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set forth therein may not be waived, modified, or extended by this Office regardless of extenuating circumstances, 49 Comp. Gen. 145 (1969). Accordingly, this Office is without authority to authorize reimbursement of the storage expenses incurred by Mr. Siff during the period he was physically incapacitated to accept delivery of his household effects. Matter of Marylinda Wheeler, B-182648, December 8, 1975.

With respect to reimbursement of the expenses incurred by the claimant in transporting his household effects from Niagara Falls, New York, to Washington, D.C., he contends that at the time he left Turkey he advised the transportation office to ship his hold baggage and household goods to the Washington, D.C. area, the area from which they were originally picked up.

The entitlement of a Government employee, separated from service outside the United States, to transportation expenses for shipment of household goods is set forth in 5 U.S.C. §§ 5722 and 5724(d) (1970) which provides that such expenses may be paid on the return of the employee from his overseas post to the place of his actual residence at the time of assignment to duty outside the United States. The location of the employee's actual place of residence is a limitation on his eligibility to be reimbursed for transportation expenses. B-162442, December 19, 1967. The cost to the Government for transportation to the employee's actual place of residence is the maximum amount for which appropriated funds may be obligated.

Within stated maximum limits 5 U.S.C. § 5722 and paragraph C7053-5c (change 29, October 1, 1967), Joint Travel Regulations (JTR), Volume 2, in effect during the period in question and pertaining to civilian employees of the Department of Defense, authorize, for the convenience of the employee, a substitution of destination to be designated by the employee. However, the statute and regulations do not authorize a second shipment to an alternate destination (Washington, D.C.) after the employee's household goods have been shipped to his place of actual residence and place of appointment (Buffalo, New York). Therefore, as here, once the employee has designated that his household effects be transported to his place of actual residence, at Government expense, he has no further right to have his household effects forwarded to an alternate destination at the

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expense of the Government. Upon completion of shipment of the goods to Mr. Siff's place of actual residence in Buffalo, New York, his entitlement to any further shipment under his travel order for return from overseas for separation was exhausted.

We cannot agree with the contention of Mr. Siff that, at the time he left Turkey, he advised the transportation office to ship his unaccompanied baggage and household goods to the Washington, D.C. area, the area from which they were originally picked up. Initially, the record does not show that his household effects and unaccompanied baggage were picked up from the Washington, D.C. area. Instead, Travel Order No. A-4211, dated November 23, 1970, discloses shipment of his household goods was authorized from Buffalo, New York, to Yamanlar, Turkey. Therefore, and based upon the record before us, the shipment of Mr. Siff's household goods to Buffalo, New York, his place of actual residence and place of appointment, was proper. Matter of Armando J. Gasperi, Jr., B-183429, May 15, 1975.

Accordingly, the settlement action of our Claims Division of December 2, 1975, disallowing reimbursement of nontemporary storage charges for Mr. Siff's household effects and reimbursement for expenses incurred in transporting the claimant's household effects from Niagara Falls, New York, to Washington, D.C., is sustained.

Deputy

*R. F. K. Miller*  
Comptroller General  
of the United States

UNITED STATES GOVERNMENT

GENERAL ACCOUNTING OFFICE

# Memorandum

*Barney Putnam  
10.11.77*

TO : Director, Claims Division

August 10, 1977

Deputy  
FROM : Comptroller General

*Putnam*

SUBJECT: J. Bruce Siff - Nontemporary storage and transportation  
of household effects from overseas - Separation - B-179901-0.M.

Returned herewith is Claims File No. 2-2408430, submitted to this Office along with the appeal to your settlement action of December 2, 1975, in connection with the claim by Mr. J. Bruce Siff, a former civilian employee of the Department of the Air Force, in which your office disallowed reimbursement of expenses totaling \$682.14 incurred in the nontemporary storage and transportation of his household goods to an alternate destination incident to his separation travel from Izmir, Turkey, to Buffalo, New York.

By decision of this date, B-179901, copy attached, we have sustained your action in the above stated matters.

With respect to the charges of \$23.10 incurred for the nontemporary storage of Mr. Siff's unaccompanied baggage, such sum having been paid to the claimant by the Department of the Air Force, no action need be taken to effectuate collection of this overpayment. However, inquiry should be made as to whether Mr. Siff is still indebted to the Government in the sum of \$191.23 representing overpayment for differential, temporary lodging allowance, and living quarters allowance previously paid to him. See Department of the Air Force letter dated October 20, 1972.

Attachments



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

*Lacey Postman  
C. R. R.*

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August 10, 1977

The Honorable Paul G. Rogers  
House of Representatives

Dear Mr. Rogers:

Further reference is made to the appeal of Mr. J. Bruce Siff, a former civilian employee of the Department of the Air Force, from the settlement action of our Claims Division dated December 2, 1975, which disallowed his claim for reimbursement of expenses totaling \$682.14 incurred in the non-temporary storage and transportation of his household effects to an alternate destination incident to his separation travel from Izmir, Turkey, to Buffalo, New York.

By decision of this date, B-179901, copy enclosed, we have sustained the disallowance of reimbursement of the charges for nontemporary storage of Mr. Siff's household effects and the costs incurred by him in having his household goods transported from Buffalo, New York (his place of actual residence and where the goods were initially shipped at Government expense), to Washington, D.C.

We regret that a response favorable to Mr. Siff is not possible.

Sincerely yours,

*R. F. Kuttner*  
Deputy Comptroller General  
of the United States

Enclosures