

DOCUMENT RESUME

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[Reimbursement of Relocation Expenses]. B-186435. October 13, 1977. 6 pp.

Decision re: Walter V. Smith; by Paul G. Deabling, Acting 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 (805).

Organization Concerned: Department of the Army.

Authority: 5 U.S.C. 5724a. 54 Comp. Gen. 638. 46 Comp. Gen. 709.

54 Comp. Gen. 640. B-184869 (1976). B-174098 (1974).

B-185976 (1977). F.T.R. (FPMR 101-7), para. 1-5.2. F.T.R.

(FPMR 101-7), para. 2-6.2h. F.T.R. (FPMR 101-7), para.

2-3.1b(6). F.T.R. (FPMR 101-7), para. 2-3.3b. 2 J.T.R.,

para. C7154-3.

An employee appealed the denial of reimbursements for certain expenses incurred incident to his transfer to the Canal Zone. He was not entitled to temporary quarters subsistence allowance for quarters rented prior to occupancy or which were rented when he had quarters elsewhere. He was not reimbursed for unexpired rent incident to his move from privately-owned quarters to Government-owned quarters. Reimbursements were not authorized for driver's licenses and automobile tags after the initial transfer or for a tip to movers. (SW)

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DECISION



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

FILE: B-186435 **DATE:** October 13, 1977

MATTER OF: Walter V. Smith - Reimbursement of
Relocation Expenses

DIGEST: Army employee transferred to permanent duty station in Canal Zone. He is not entitled to temporary quarters subsistence allowance for quarters rented prior to being occupied or which were rented when he had quarters elsewhere. Also, he may not be reimbursed unexpired rent incident to move from privately owned quarters to Government-owned quarters or for driver's licenses and automobile tags after initial transfer to Canal Zone. In addition, he may not be reimbursed tip to movers since it is personal expense.

This action concerns an appeal by Walter V. Smith from Settlement Certificate No. Z-2586200, January 13, 1976, issued by our Claims Division, denying him reimbursement for certain expenses incurred incident to his transfer to the Canal Zone. The record shows that Mr. Smith, a civilian employee of the United States Army, was transferred from Fort Huachuca, Arizona, to Fort Amador, Canal Zone, effective on or about October 9, 1973. Mr. Smith was authorized a maximum of 60 days temporary quarters subsistence expenses, miscellaneous expenses allowance, and unexpired lease expenses. Upon submission of travel vouchers, he was paid temporary quarters subsistence expenses for the period October 22 through December 3, 1973, and \$200 for miscellaneous expenses. Mr. Smith's claim for additional allowances was denied as shown below.

The record indicates that Mr. Smith paid \$670 rent for one apartment from October 6 through December 3, 1973, and \$294 rent for a second apartment from November 15 through December 2, 1973. The rent of the first apartment from October 6 through 21, 1973, was disallowed since neither Mr. Smith nor his dependents occupied the apartment during that period. The \$294 rent for the second apartment was disallowed since Mr. Smith and his dependents occupied the first apartment during the period involved.

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Mr. Smith moved from a privately owned apartment into Government quarters on April 15, 1974. He claimed reimbursement for \$185, rent and maintenance charges for the privately owned apartment for the period April 15 through 25, 1974. The claim was disallowed on the ground that there is no authority to pay lease termination expenses except incident to a termination at the employee's old station.

Mr. Smith also claimed reimbursement for various miscellaneous expenses; \$26 for 1974 Panama license plates, \$0.25 for a Panama Certificado de Paz y Salvo, \$10 for a Panamanian driver's license for his wife, and \$20 for a tip to movers. The charge for license plates was disallowed because Mr. Smith had received a \$200 expenses allowance which included the cost of registering his car in 1973. No authority for paying the charge for obtaining a driver's license in 1974 was found and the item was disallowed. The claim for the tip was disallowed since there was no authority to pay such a charge. The claim for \$0.25 was not covered in the settlement, apparently because it was so small.

In addition to his request for reconsideration of the above disallowances, Mr. Smith has filed two claims for reimbursement of the costs incident to driving his car to and from a port in connection with his transfer to the Canal Zone and his return from there. He has also requested advice concerning reimbursement for meal costs for the period July 3 to July 6, 1975, incurred while he occupied permanent quarters in the Canal Zone, and for the period September 2 to September 3, 1975, while he occupied permanent quarters in Arizona following transfer back; costs of 1974 Panama license plates; 1974 Certificado de Paz y Salvo, Republic of Panama; 1974 Panamanian driver's license for his wife; 1975 Canal Zone driver's licenses for his wife and himself; 1975 Canal Zone license plates for two cars; taxi fares paid by claimant's wife for travel within the Canal Zone, charges for connecting an ice maker amounting to \$23.50; and costs incident to an unsuccessful attempt to sell claimant's residence in Arizona.

Authority for reimbursement of relocation expenses is found in 5 U.S.C. § 5724a (1970). The statutory provision has been implemented by the Federal Travel Regulations. These have the force and effect of law and are not to be waived, regardless of the circumstances. 54 Comp. Gen. 638, 640 (1975). Therefore, only those expenses which are expressly authorized by the statute and implementing regulations may be reimbursed.

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With reference to Mr. Smith's claim for temporary quarters subsistence expenses the record shows that, during the period October 6 through 21, 1973, neither Mr. Smith nor his family had moved to the new duty station in the Canal Zone. Consequently they did not occupy the quarters for the period for which reimbursement is claimed. Federal Travel Regulations (FTR) (FPMR, 101-7) para. 2-5.2 (May 1973) provides that subsistence expenses incident to a permanent change of station shall be allowed " * * * while the employee and family necessarily occupy temporary quarters and the new official station is located in * * * the Canal Zone * * * ." Since there was no occupancy from October 6 to 21, 1973, the regulations do not permit reimbursement of rent paid for that period. Also, Mr. Smith's claim for reimbursement of rent for a second apartment for the period of November 15 to December 2, 1973, may not be allowed because the record shows that he and his family occupied other quarters during that time and he has already been reimbursed for the expenses incurred in connection with the quarters occupied.

There is no statutory basis for allowing reimbursement of the \$185 expenditure incurred in connection with the cancellation of Mr. Smith's lease in connection with his move from privately owned quarters to Government quarters. Also, as our Claims Division pointed out, FTR para. 2-6.2h covers only cancellation of leases at the old duty station.

Mr. Smith claims reimbursement of \$26 for purchase of 1974 Panama license plates and \$10 for a Panamanian driver's license for his wife. FTR para. 2-3.1b(6) provides for reimbursement of these expenses. However, as our Claims Division pointed out, Mr. Smith has already received \$200 in miscellaneous expenses pursuant to FTR para. 2-3.3b(a)(2). That paragraph provides that an employee with a family may be paid a miscellaneous expenses allowance of \$200 or 2 weeks' basic pay, whichever is the lesser amount, without support. An allowance for a greater amount, not to exceed 2 weeks' pay of an employee with a family, may be allowed under FTR para. 2-3.3b if the employee submits paid bills or other suitable evidence justifying the larger amount claimed. Mr. Smith has not done so. Also, FTR para. 2-3.1b(6) provides reimbursement for "[c]osts of automobile registration, driver's license, and use taxes imposed when bringing automobiles into certain jurisdictions." (Emphasis added.) The regulation contemplates reimbursement of only those expenses incurred in

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connection with changing automobile tags and driver's licenses upon first reporting for duty at the new permanent station. Once residence has been established the costs of subsequent tags and licenses become part of an employee's everyday living expenses and are not chargeable to the Government. In this connection the record indicates that the miscellaneous expense allowance paid to Mr. Smith includes automobile registration for 1973.

The claim for reimbursement for a tip to the movers in Panama is considered a personal expense and is not reimbursable. B-174098, December 8, 1971. The remaining claim of \$0.25 for a Panama Certificado de Paz y Salvo may not be allowed as an item of miscellaneous expenses now since Mr. Smith has been paid the full allowance of \$200 and we consider it included therein.

Mr. Smith states that his travel orders required him to travel through Charleston, South Carolina. However, he shipped his car from and to Long Beach, California. He has claimed mileage and related expenses on September 20 through 21, 1973, incident to driving his private vehicle to Long Beach for shipment to the Canal Zone. He has also claimed travel and related expenses incurred September 25 through 27, 1975, incident to picking up his car at the port upon his return from the Canal Zone. The FTRs contain no provision for reimbursement of such costs. However, as the claimant himself points out, the Joint Travel Regulations expressly forbid such reimbursement. 2 Joint Travel Regulations para. C7154-3 (change 88, February 1, 1973) provides:

"3. MOVEMENT TO AND FROM PORTS. No transportation charges will be allowed for shipment of a motor vehicle to and from appropriate ports. However, when the employee drives the motor vehicle to or from the ports while he is performing permanent duty travel (including renewal agreement travel), per diem and mileage allowances may be authorized. No per diem, transportation expenses, or mileage will be allowed the employee when he makes a separate trip to the port to deliver or pick up the motor vehicle."

Also, 2 Joint Travel Regulations para. C7154-3 (change 117, July 1, 1975) provides:

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"3. MOVEMENT TO AND FROM PORTS. An employee is not entitled to ship his privately owned motor vehicle between his old and new permanent duty station and the vehicle port facility serving such stations. Travel allowances are not authorized when an employee makes a separate trip from his old or new duty station to a vehicle port facility to deliver or pick up his vehicle."

The above provisions preclude any reimbursement to Mr. Smith for costs incurred in delivering his private automobile to Long Beach and in picking it up there. Accordingly, his claims for recovery of such expenses are disallowed.

Mr. Smith has asked advice concerning reimbursement for the cost of meals which he incurred during his last days at his Canal Zone residence and the first days after he transferred back to his new permanent duty station in Arizona. It is well established that one may not receive temporary quarters subsistence allowance while occupying permanent quarters. 48 Comp. Gen. 709 (1967). Since Mr. Smith purchased these meals while occupying permanent quarters, it appears such expenses are not allowable.

As pointed out above, in sustaining the disallowance of the claim for reimbursement of the cost of 1974 Panama license plates and a 1974 driver's license for Mrs. Smith, the FTR limits reimbursement to the initial fees upon relocation. Therefore, Mr. Smith would not appear to be entitled to similar expenses in 1974-1975.

Mr. Smith also inquires about reimbursement for taxi fares for his wife, who preferred not to drive in Panama City while the family resided there. The use of a taxi in Panama City by Mr. Smith's wife was a matter of personal preference, and we are unaware of any authority for reimbursement of such expenditures.

It would appear that hook up of an ice maker would involve a structural change. If so, the cost thereof is not reimbursable under FTR para. 2-3.1c(13). Also, if the expense were allowable under FTR para. 2-3.1b(1), it would only be paid if Mr. Smith submitted evidence of miscellaneous expenses in excess of the \$200 already paid.

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Finally, Mr. Smith states that he incurred expenses for newspaper advertisements and attorney's fees incident to placing his Arizona residence up for sale. However, the residence was never sold. Our Office has consistently held that in order for expenses of this nature to be reimbursable, there must be a sale. See Matter of George W. Lay, B-185976, April 27, 1977, 56 Comp. Gen. ; Matter of Robert A. Benson, B-184869, September 21, 1976. The rationale for such decisions is the fact that the regulations forbid reimbursement of losses incurred incident to poor market conditions. See FTR para. 2-6.2c. Therefore, Mr. Smith would not be entitled to reimbursement for the attorney's fees and other costs which he incurred in a futile effort to sell his Arizona residence.

In view of the above the disallowance of Mr. Smith's claim by our Claims Division is sustained and his additional claims are disallowed. The claimant has made various observations and comments on the regulations. Should he wish to recommend changes, he should address his suggestions to the Federal Travel Management Division of the General Services Administration.


Acting Comptroller General
of the United States