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**DECISION**



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

**FILE:** B-190854

**DATE:** July 7, 1978

**MATTER OF:** Alfred A. Procopio - Travel expenses  
to pick up privately owned vehicle

**DIGEST:** Travel expenses incurred by employee prior to September 1, 1976, to port of debarkation to reclaim privately owned vehicle are disallowed. There is no obligation on the Government to deliver a POV at any particular time or to pay additional expenses caused by delay. When the expenses were incurred, 2 Joint Travel Regulations para. C7154-3 (change 117, July 1, 1975), expressly prohibited travel allowances for a separate trip to deliver or pick up a vehicle. Later change in regulations, effective Sept. 1, 1976, allowing such expenses is not retroactive.

This decision concerns a letter dated October 21, 1977, from Mr. Alfred A. Procopio appealing a settlement by the Claims Division of this Office dated October 13, 1977. The settlement disallowed his claim for reimbursement of travel expenses and mileage incident to a trip from Abilene, Texas, to McGuire Air Force Base (AFB), New Jersey, to reclaim his privately owned vehicle (POV) after his return from Germany in August 1976.

Mr. Procopio states that on July 9, 1976, in preparation for departure from his permanent duty station in Germany, he delivered his automobile to Bremerhaven, Germany, for shipment to Bayonne, New Jersey. He claims that he was assured by the transportation officer at Bremerhaven that the car would be loaded on the S.S. Callahan which was scheduled to depart Bremerhaven on July 12, 1976, and to arrive in Bayonne on or about July 21, 1976. The employee was provided with documents necessary to authorize the Bell Transportation Company, Bayonne, to secure the car from the S.S. Callahan and have it waiting for him at McGuire AFB on August 2, 1976. The permanent change of station (PCS) orders issued to Mr. Procopio authorized use of his POV as advantageous to the Government, contemplating delivery of the POV in Bayonne prior to his own arrival and use of that POV for travel from Bayonne to Abilene, Texas. Upon the employee's arrival at

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McGuire AFB on August 2, 1976, he found that his car had not arrived. He requested and received a Government Transportation Request (TR) to continue his travel from McGuire AFB to Abilene. The TR was used only from McGuire AFB to Dallas, Texas, and mileage was paid to the employee from Dallas to Abilene, Texas.

The Ball Transportation agent at McGuire AFB informed the employee that his POV was not aboard the S.S. Callahan when the vessel arrived in port. Mr. Procopio later learned that his POV had been loaded on the S.S. Champion in Bremerhaven on August 2, 1976, and was scheduled to arrive in Bayonne on August 14, 1976. He was notified on August 14, 1976, that his POV had arrived in Bayonne and was ready to be picked up at McGuire AFB. On August 17, 1976, accompanied by his wife, the employee flew from Abilene to McGuire AFB, and drove his automobile back to Abilene. The claim is for taxi fare, air fare, and bus travel to McGuire AFB from Abilene for himself and his wife and for mileage from McGuire AFB to Abilene, Texas.

Transportation of a POV at Government expense to overseas locations and return is authorized for Government employees pursuant to 5 U.S.C. § 5727 (1976). Implementing regulations for Department of Defense civilian employees are contained in Volume 2 of the Joint Travel Regulations (2 JTR). As in effect in August 1976, paragraph C7154-3, 2 JTR (change 117, July 1, 1975) specifically precluded reimbursement of any expense incurred because of a separate trip to a port to pick up a POV. Because the member was provided transportation from McGuire AFB to Abilene at Government expense, there was no authority to pay for his return 2 weeks later to pick up his POV. B-158706, July 7, 1971. There was nothing in the law or regulations which may be viewed as imposing an obligation upon the Government to deliver a POV when being shipped either to or from an overseas destination at any particular time or as providing for payment by the Government of costs to the member occasioned by delay in delivery of a POV. Compare B-191403, March 31, 1978.

On September 1, 1976, para. C7154-3 was superseded by paragraph C11004-4 (change 131) which authorizes payment of transportation expenses in connection with a separate trip to or from a port to deliver or reclaim a POV. While it is unfortunate that Mr. Procopio incurred expenses which would

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be reimbursable had they been incurred 2 weeks later, this Office has long and consistently adhered to the rule that regulations may not be retroactively amended, adjusted or applied except to correct obvious error. 32 Comp. Gen. 315 (1953); 32 id. 527 (1953); 33 id. 174 (1954); 40 id. 242 (1960); and 47 id. 127 (1967). Compare 33 Comp. Gen. 505 (1954).

Accordingly, since on the basis of the record before this Office there is no legal authority for the payment of this claim, the action by our Claims Division disallowing the member's claim was correct and is sustained. Payment may not be made on the voucher submitted and it will be retained in this Office.



Deputy Comptroller General  
of the United States