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DECISION



20 March 1978
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON D. C. 20548**

FILE: B-191560

DATE: July 13, 1978

MATTER OF: Mr. William S. Bennett

DIGEST: A civilian employee of the United States Air Force ordered to duty outside the continental United States is not entitled to reimbursement of salary lost by his wife and payment of his son's boarding expenses where his orders were amended to delay his departure in order to attend schooling. These expenditures are not necessary miscellaneous expenses under the provisions of paragraph C4709 (change 134, December 1, 1976), Volume 2, Joint Travel Regulations, nor are they authorized by any statute or statutory regulations.

This action is in response to a letter dated December 20, 1977, from Mr. William S. Bennett, which constitutes an appeal from the settlement of our Claims Division dated December 7, 1977, which disallowed Mr. Bennett's claim for reimbursement of salary lost by his wife and his son's boarding expenses, incident to his transfer overseas while employed by the United States Air Force.

The record indicates that Mr. Bennett was notified by letter dated March 4, 1977, from Ms. Minnie S. Sandlin, Office of Civilian Personnel Operations, Randolph Air Force Base, Texas 78148, of his tentative selection for the position of Maintenance Management Specialist, GS-13, with duty in Tehran, Iran. He was advised that he was required to complete processing requirements of approximately 30 days before final commitment could be made. He was further advised not to take any action which would inconvenience him in the event he did not receive a definite appointment and that the Air Force would not assume any obligation for any premature action.

Upon appointment, Mr. Bennett was issued Travel Order No. A0515, dated March 15, 1977, which authorized transportation for him, his wife, and his son, as well as shipment of his household goods from Kaysville, Utah, to Tehran, Iran, with a 3-day delay en route in Washington, D.C., and stated that he was to report for duty on or about April 27, 1977. Travel of his son was authorized after the end of the school term. After he received

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these orders, his wife notified her employer that she would terminate her employment on March 31, 1977, and he contracted to board his son for \$150 per month beginning April 1, 1977. He also leased his house beginning April 15, 1977. After being verbally notified on March 29, 1977, his travel order was subsequently amended by Order No. A0643, dated April 4, 1977, directing a further delay en route for the purpose of attending a contract administration course at Wright-Patterson Air Force Base from April 18 through May 6, 1977.

Mr. Bennett claims compensation for the inconvenience to himself and his family, contending that the change of his orders was due to a lack of advance planning, and that he should be reimbursed for the salary his wife lost for April 1-30, 1977, in the amount of \$675 and his son's room and board for the same period in the amount of \$150.

Our Claims Division disallowed Mr. Bennett's claim on the basis that this Office may settle claims only in accordance with regulations, statutes, and Comptroller General decisions, and while necessary miscellaneous travel expenses may be paid, there is no authority for reimbursement of a dependent's lost salary or room and board.

In his request for reconsideration, Mr. Bennett indicates that he took no action prior to receipt of orders and that he was not advised that he was to begin schooling until March 29, 1977, which was 2 days before his wife's employment termination and his son's room and board occupancy dates.

Paragraph C4709 (change 134, December 1, 1976), Volume 2, Joint Travel Regulations, issued by the Department of Defense pertaining to travel and transportation allowances, provides for reimbursement of "necessary miscellaneous expenses incurred by a traveler in connection with the transaction of official business." Reimbursement of a dependent's lost salary or room and board are not included as necessary miscellaneous expenses in this regulation.

The amounts claimed did not result from the movement of the employee to his duty station nor were they advantageous to the Government. Since the original orders show a departure date of

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April 14, 1977, and Mr. Bennett's course was to begin on April 18, 1977, at Wright-Patterson Air Force Base, it appears that the payment of boarding expenses for Mr. Bennett's son would have been incurred whether or not his orders were changed. In any event there is no authority for reimbursing the employee for the boarding cost claimed.

While it is unfortunate that Mr. Bennett may have incurred some loss of his wife's income due to the change in his departure date from the United States, we are not aware of any statute or statutory regulation that authorizes such payment from appropriated funds. In the absence of specific regulations issued under statutory authority providing for reimbursement, any expenses incurred by an employee preparatory to complying with orders must be borne by him if the orders are amended or modified prior to their effective date.

Accordingly, the action previously taken by our Claims Division in this matter is sustained.

R. J. Kisten
Deputy Comptroller General
of the United States