

DOCUMENT RESUME

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[Reconsideration of Claim for Real Estate Expenses]. B-191121.
November 24, 1978. 2 pp.

Decision re: Robert V. Linderman; by Robert F. Keller, Deputy
Comptroller General.

Contact: Office of the General Counsel; Personnel Law Matters I.
Organization Concerned: Department of the Interior.
Authority: 31 U.S.C. 628. B-181311 (1974). B-166181 (1963).
B-172594 (1974).

An employee requested reconsideration of a prior decision denying his claim for real estate expenses incident to his overseas transfer. The prior decision was sustained since the overseas post was his duty station, and the Government is not liable for the erroneous statements of its agents. The employing agency was reimbursed by the foreign government involved for the expenses; this does not, however, affect the employee's entitlement to reimbursement under applicable statutes and regulations or his liability for an erroneous payment. (Author/SC)

DECISION

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

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FILE: B-191121**DATE: November 14, 1978****MATTER OF: Robert V. Linderman - Reconsideration of
claim for real estate expenses**

DIGEST: Employee requests reconsideration of prior decision denying claim for real estate expenses incident to overseas transfer. Prior decision is sustained since overseas post, not Washington, D.C., where he reported prior to going overseas, was duty station, and Government is not liable for erroneous statements of its agents. Fact that employing agency was reimbursed by Foreign government for expenses does not affect employee's entitlement to reimbursement under applicable statutes and regulations or his liability for erroneous payment.

This action is in response to the request of Mr. Robert V. Linderman for reconsideration of our decision B-191121, August 29, 1978, concerning his entitlement to real estate expenses incident to a transfer to an overseas duty station.

Our prior decision held that under the applicable statute and regulations Mr. Linderman was not entitled to reimbursement for real estate expenses incident to his transfer from Port Hueneme, California to Saipan, Mariana Islands, part of the Trust Territories of the Pacific Islands, and any erroneous payment may not be waived and must be recovered.

In requesting reconsideration Mr. Linderman has provided our Office with additional documents in support of his arguments that Washington, D.C., was his official duty station and that he should not be liable for the erroneous payment due to the erroneous advice of Government officials. We have reviewed the material submitted by Mr. Linderman, but we must reaffirm our prior finding that Saipan was his duty station. We again must state that his employing agency, the Department of the Interior, would not have been authorized to transfer Mr. Linderman to Washington and authorize his relocation expenses when it was contemplated that he would be transferred to Saipan after a very short time. See B-166181, April 1, 1969; and B-172594, March 27, 1974.

With regard to Mr. Linderman's statement that he relied upon the advice of agency officials to his detriment, we must again state that

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it is well-settled that the Government cannot be bound by the unauthorized or incorrect statements of its agents. See Matter of Milton L. Smalley, B-181311, August 21, 1974, and cases cited therein.

Finally, Mr. Linderman argues that since the Department of the Interior was reimbursed by the Trust Territories of the Pacific Islands for his relocation expenses, the Government has thus expended no funds in connection with his transfer. However, we have been informally advised by officials of the Department of the Interior that the funds used by the Trust Territories for reimbursement in this case are funds appropriated by Congress. We would also point out that Mr. Linderman's entitlement to relocation expenses is based upon the statutes and regulations governing travel and relocation expenses for Federal employees and that Federal funds may only be paid out pursuant to law. See 31 U.S.C. 628 (1976).

Accordingly, we sustain our prior decision holding that real estate expenses may not be authorized and any erroneous payments should be recovered.

R. F. Kellam
Deputy Comptroller General
of the United States