

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

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FILE: B-210528**DATE:** August 25, 1983**MATTER OF:** First Lieutenant Michael C. Liska, USAF

DIGEST: A member stationed overseas who had purchased a foreign-made vehicle overseas prior to entry on active duty may not be reimbursed the expenses of shipping the privately owned vehicle when he received permanent change-of-station orders to the United States since 1 Joint Travel Regulations, para. M11002-3, specifically prohibits the shipment of foreign-made privately owned vehicles at Government expense.

First Lieutenant Michael C. Liska, USAF, requests reconsideration of our Claims Group's denial of his claim for reimbursement of expenses incurred in shipping his foreign-made privately owned automobile from Germany to the continental United States. The denial of the claim is sustained.

Lieutenant Liska had purchased a foreign-made automobile in 1978 in Belgium, where his parents reside. This purchase occurred prior to his entry on active duty. He received orders addressed to him at his parents' residence in Belgium in 1979 ordering him to report to Bitburg Air Base (AB), Germany, after 9 weeks' temporary duty at Sheppard Air Force Base (AFB), Texas. His orders indicated that he was authorized to ship a privately owned vehicle overseas. However, his automobile was already located overseas in Belgium. He left his automobile there while on temporary duty at Sheppard AFB and then drove it to Bitburg, AB, where he used it during his 2 years there.

In 1981, Lieutenant Liska received permanent change-of-station orders to Wright-Patterson Air Force Base (AFB), Ohio. The Bitburg Transportation Movement Office indicated that he could not ship his privately owned automobile to the continental United States because he had not brought it over with him from the continental United States and the provisions of chapter 11, of Volume 1, Joint Travel Regulations (JTR), precluded shipment at Government expense. As a result Lieutenant Liska shipped his privately owned automobile through a private shipping company from Belgium to Baltimore. Since he then did not get permissive temporary duty to pick up and

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deliver his privately owned automobile at Baltimore, he had to use 2 days of annual leave and pay for related expenses to transport his car from Baltimore to Wright-Patterson AFB. Lieutenant Liska then made a claim to be reimbursed for his expenses incurred in shipping, picking up, and delivering his privately owned automobile and for the leave taken.

The Air Force forwarded the claim to our Claims Group because of a doubtful question of law. By Settlement Certificate Z-2843138, dated October 25, 1982, our Claims Group disallowed Lieutenant Liska's claim.

In his request for reconsideration, Lieutenant Liska makes two contentions. First, he notes that chapter 11 of 1 JTR applies primarily to the shipment of a privately owned vehicle from a location in the continental United States to an overseas location and back to a location in the continental United States. He argues that since he originated from an overseas location, entered into the Air Force overseas, and bought an automobile overseas, the Regulations do not address his situation and he should not be denied reimbursement on that basis. Second, Lieutenant Liska contends that since his permanent change-of-station orders to Bitburg AB authorized him to ship a privately owned vehicle overseas, he should have been authorized to ship his privately owned automobile from overseas to the continental United States.

Chapter 11 of 1 JTR, paragraph M11002-3, in effect at the time of the shipment, provides that transportation at Government expense of a foreign-made privately owned vehicle incident to a permanent change of station is prohibited except to or from exempted overseas locations and except in a number of given circumstances.

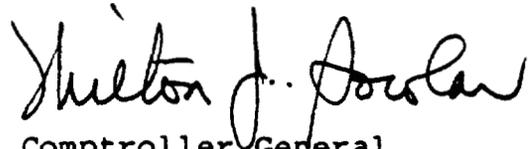
In our decision in Matter of Kiefer, B-188159, April 1, 1977, we held that reimbursement of the expense incurred shipping a foreign-made privately owned vehicle from overseas to the continental United States could not be allowed where the Joint Travel Regulations did not authorize shipment at Government expense in that situation.

This decision was based in part on the fact that at the time when consideration was being given to lifting

the restriction the Committee on Appropriations, House of Representatives, insisted on retaining the restrictions on shipping foreign-made household goods and foreign-made privately owned vehicles because of sluggishness in the United States economy and a deficit in the balance of payments. H.R. Report No. 1389, 92d Cong., 2d Sess. 75 (1972).

Thus, the restriction was intended to discourage members of the uniformed services from bringing foreign-made vehicles into the United States at Government expense which had not been acquired through normal commerce in the United States.

Accordingly, Lieutenant Liska's claim for the expenses incurred and the leave used in connection with shipment of his foreign-made privately owned vehicle may not be allowed. The action of the Claims Group in denying his claim is sustained.

for 
Comptroller General
of the United States