

DECISION

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

*Kirkpatrick
PLM-L
29863*

FILE: B-215629

DATE: November 27, 1984

MATTER OF: Jay Johnson

DIGEST:

An employee who ships a canoe as part of a household goods shipment made in connection with a transfer of duty station must bear the expense, rather than having the Government pay for it, since boats are expressly excluded by regulations from the definition of "household goods" that may be shipped at Government expense, even though a Government travel officer mistakenly advised that a canoe was not considered a boat under the regulation.

We find that Mr. Jay Johnson, an employee of the Bureau of Land Management, is not entitled to transportation of his canoe at Government expense incident to his permanent change of station.^{1/} A canoe is a type of boat excluded from the definition of household goods, and its transport is therefore not payable by the Government.

The Bureau of Land Management transferred Mr. Johnson to Anchorage, Alaska. In connection with the transfer, he inquired whether the canoe could be shipped as household goods in light of Bureau of Land Management Manual, Section 1382, Appendix 2, which excludes boats from the definition of household goods which may be shipped at Government expense. Mr. Johnson noted that the regulation did not define boats, and sought clarification of whether a canoe was included within the term. The travel officer of the Alaska State Office responded that canoes were not considered boats under Section 1382, and could be shipped at Government expense. Relying on this advice, Mr. Johnson shipped his canoe on a Government Bill of Lading. He states that had he been informed that the canoe could not be shipped as household goods, he would have carried it on top of his own vehicle. Nonetheless, the Bureau observed that the dictionary defined a "canoe" to mean an "open boat" and took collection against him for the shipment.

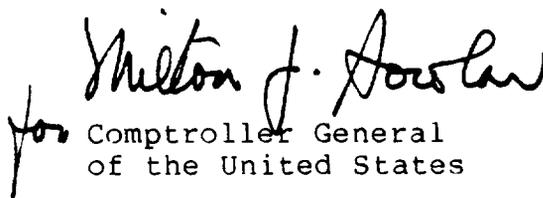
^{1/} The Chief, Division of Finance, Bureau of Land Management, Department of the Interior, requested this decision.

030652

Bureau of Land Management Manual, Section 1382 must conform to the Federal Travel Regulations, incorp. by ref. 41 C.F.R. § 101-7.003 (1983), governing civilian employees' entitlement to relocation expenses. The transportation and temporary storage of household goods for employees who transfer and otherwise meet the regulatory requirements is authorized under FTR para. 2-8.1. The regulations define household goods to include personal property associated with the home and personal effects belonging to the employee which can be legally accepted and transported by an authorized commercial carrier. The definition, however, expressly excludes, among several other items, boats. See FTR para. 2-1.4h. A canoe is defined as a long and narrow boat. See Webster's third New International Dictionary, 1981. Thus, a canoe is excluded from the definition of household goods.

While it is unfortunate that Mr. Johnson may have received erroneous information concerning the canoe shipment, this would not afford a basis for the shipment to be paid by the Government. The Government cannot be bound by the erroneous advice of its agents, who bestow a benefit or attempt to create a legal liability unauthorized by statute or regulation. See 54 Comp. Gen. 747 (1975).

Accordingly, Mr. Johnson must bear the cost for shipment of his canoe.


for Comptroller General
of the United States