

DECISION



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

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Billed
FOI-2

FILE: B-217280

DATE: May 13, 1985

MATTER OF: Richard L. Leonard

DIGEST: An Internal Revenue Service employee moved from leased premises at one location to another residence in the vicinity of his Canadian post of duty when his landlord refused to renew or extend his 1-year lease. The employee's claim for reimbursement of drayage expenses cannot be allowed as an administrative expense of the agency involved since his move was not the result of any official action. 52 Comp. Gen. 293 (1972).

We have been asked to determine whether a Government employee may be reimbursed the costs of local drayage of household goods between leased premises at a post of duty outside the United States.^{1/} Since the employee's move between local quarters was not the result of official action, there is no legal basis for reimbursement.

Mr. Richard L. Leonard, an employee of the Internal Revenue Service, filed a claim with his agency for \$490.98, the amount he paid to have his household effects moved to a different residence in the vicinity of his post of duty.

In May 1982, the Internal Revenue Service transferred Mr. Leonard to Vancouver, British Columbia, Canada. Incident to that transfer the Government paid for the transportation of his household effects. Delivery was made to the West Vancouver residence he occupied under a 1-year lease. In May of the following year he was notified that title to the property would be conveyed to another party and that the lease would be terminated. He located another residence in the Vancouver area and on June 30, 1983, his household goods were moved to his new residence by a commercial mover at a cost of \$490.98.

^{1/} The request for an advance decision, made by Thomas N. Lyall, Authorized Certifying Officer of the Internal Revenue Service, Department of the Treasury (reference RM:F:A:V), includes the employee's travel voucher and related correspondence.

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Mr. Leonard contends that he is entitled to reimbursement for the \$490.98 drayage charge based on language contained in regulations issued by the Department of State. He refers to a specific provision in title 6 of the Foreign Affairs Manual, which he contends provides circumstances under which relief may be granted to employees covered by the manual who, despite reasonable precautions, exceed allowances authorized by the manual. These circumstances include expenses in the nature of those incurred by Mr. Leonard in connection with his local move between rental quarters. Foreign Affairs Manual, title 6, § 121.1-4 (August 10, 1982). He explains that the termination of his lease was a matter beyond his control. He states that when he was transferred to Vancouver he signed a 1-year lease for the West Vancouver residence only after two real estate agents informed him that market conditions and local law made it unlikely that he would be able to rent any residence under a lease for a period in excess of 1 year.


The Foreign Affairs Manual is not applicable to employees of the Internal Revenue Service. Mr. Leonard states, however, that in the absence of an agency regulation covering local moves, the Department of State rule applies to his case as a matter of Department of the Treasury policy. This statement was refuted by the Director, Finance Division, of the Internal Revenue Service in a letter dated April 16, 1985. He explains that the Department of the Treasury applies the Federal Travel Regulations to travel and transportation matters and he correctly points out that the expenses claimed by Mr. Leonard may not be paid under the Federal Travel Regulations. These regulations, issued pursuant to 5 U.S.C. Chapter 57, do not permit payment of costs associated with local moves. See generally, 52 Comp. Gen. 293, 296 (1972).

Despite the absence of specific statutory authority we have recognized that expenses associated with local moves may be paid as administrative expenses where the relocation was the result of governmental action. For example, we authorized reimbursement of costs incurred by an Air Force member who was officially ordered to relocate his mobile home from an off-base trailer park to another location for sanitary and safety reasons. See 52 Comp. Gen. 69 (1972). The same rationale is evident in the following excerpt from 52 Comp. Gen. 293, 297:

"As in the case of military members, civilian employees who are obliged to obtain other non-Government quarters because their landlords refuse to renew leases or otherwise permit them to remain in their local economy housing, but who do not move their household goods as the direct result of or in connection with an official order or action, are not entitled to Government drayage as such change of quarters is not for the convenience of the Government * * *."

Our decisions would not provide a basis for reimbursement to Mr. Leonard inasmuch as his move was not the result of governmental action. The termination of his lease, though due to no fault of his own, is a matter of a personal nature and the costs associated with his local move to a new residence may not be paid as an administrative expense of the agency involved.

Accordingly, Mr. Leonard's claim may not be allowed.

for 
Comptroller General
of the United States