

PLM-77

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DECISION



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

FILE: B-217987

DATE: June 21, 1985

MATTER OF: Helen M. Lopez

DIGEST:

Incident to her retirement an employee's household goods were shipped from Germany to Sacramento, California, and placed in storage without her designating a final destination of the shipment. After more than 2 years, she directed that her household goods be shipped from storage to her new residence. The employee may not be reimbursed for the cost of shipping the household goods from storage to her residence because placing the goods in storage does not operate to bring the shipment within the 2-year time period for beginning shipment to final destination set by statutory regulation.

The issue in this decision is whether an employee, who, upon separation, ships her household goods from overseas to California and places them in storage at personal expense (after the first 60 days) for more than 2 years, is entitled to reimbursement for the cost of moving the household goods from storage to her new residence.^{1/} We find that the employee is not entitled to reimbursement for the cost of moving her household goods out of storage, as the placing of goods in storage for more than 2 years without designating a final place of shipment does not operate to bring the shipment within the 2-year time limitation for reimbursement under paragraph 2-1.5a(2) of the Federal Travel Regulations.

BACKGROUND

Ms. Helen M. Lopez, formerly an employee of the Department of the Army, had her household goods shipped at Government expense from Germany to Sacramento, California, incident to her separation for retirement which was

^{1/} This case arose as an appeal from our Claims Group's settlement issued on January 23, 1985, to Ms. Helen M. Lopez, which denied her claim for the cost of moving household goods from storage to her residence.

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effective September 15, 1980. Her household goods were picked up in Germany on August 28, 1980, and placed in storage in Sacramento on November 17, 1980. The Government paid the storage costs for the first 60 days, as authorized by regulation, with Ms. Lopez assuming the storage costs thereafter. For various personal reasons, Ms. Lopez allowed the household goods to remain in storage until the fall of 1983.

After purchasing a home in Carmichael, California, in October 1983, Ms. Lopez contacted the Transportation Office at McClellan Air Force Base to arrange for the delivery of her household goods. She was informed that her entitlement to delivery at Government expense had expired; therefore, she made arrangements for delivery herself. To Ms. Lopez' surprise, on the day of delivery, November 10, 1983, an inspector from McClellan Air Force Base arrived to supervise the delivery and inspect for damage. Ms. Lopez indicates that he advised her that she was entitled to payment of delivery costs by the Government, and he furnished her with the appropriate forms and instructions for filing a claim for reimbursement. Ultimately, however, her claim was denied by the Army on the basis that movement of household goods to their final destination had not begun within 2 years of Ms. Lopez' separation, as required by paragraph C8003-9c of the Joint Travel Regulations, Volume 2.

When Ms. Lopez appealed that denial, the Army's Accounting and Finance Center forwarded her claim to our Claims Group for additional review. Our Claims Group disallowed her claim in a settlement issued January 23, 1985, on the basis of FTR (FPMR 101-7, May 1973) paragraph 2-1.5a(2)^{2/} and Peter E. Donnelly, B-188292, July 8, 1977. Paragraph 2-1.5a(2), promulgated under 5 U.S.C. § 5724, stated that the maximum time for beginning allowable transportation shall not exceed 2 years. Our decision in Peter E. Donnelly, B-188292, supra, holds that an employee who transports a portion of his household goods to the new duty station within 2 years is not entitled to shipment at Government expense for the remainder after 2 years.

^{2/} Similar provisions, as they relate to this case, are restated in paragraph 2-1.5a(2) of the current FTR, Supp. 4, August 23, 1982.

In her appeal Ms. Lopez contends that the 2-year limitation should not apply to her due to extenuating circumstances and the fact that the household goods inspector from McClellan Air Force Base advised her that the Government would pay these costs. In addition she states that her circumstances are different from the employee in the Donnelly decision.

HOLDING

Payment of the travel and relocation expenses of Federal employees who transfer from one duty station to another in the interest of the Government or who return from an overseas duty post for separation is authorized by 5 U.S.C. §§ 5724 and 5724a, respectively. These provisions are implemented by chapter 2 of the Federal Travel Regulations. Paragraph 2-1.5a(2) of the regulations requires that the transportation of an employee's household goods be accomplished as soon as possible and sets the maximum time for beginning allowable transportation as 2 years from the effective date of the employee's transfer or separation. Similar language is restated in the Joint Travel Regulations, Volume 2, concerning the entitlement of civilian employees of the Department of Defense to relocation expenses.

Since the provisions of the Federal Travel Regulations referred to above were issued pursuant to statutory authority, they have the force and effect of law. Accordingly, the time limitations and effective dates set forth therein may not be waived, modified, or extended, regardless of the extenuating circumstances. John L. LeRoy, B-212089, July 13, 1983.

With respect to the costs incident to the shipment of her household goods in November 1983 from storage to Ms. Lopez' new residence, we have held that where the final destination of the shipment is not designated, the earlier transportation, within the 2-year time limitation, of household goods from the old duty station to storage at a new duty station or point of separation will not operate to satisfy the requirements of FTR paragraph 2-1.5a(2). Spencer T. Thomas, B-189406, February 8, 1978, and Virgil G. Trice, B-181360, January 22, 1975.

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Accordingly, since Ms. Lopez had not designated the destination of the shipment of her household goods until the time they were shipped from the storage point to her residence on November 10, 1983, after the expiration of the 2-year time period, she is not entitled to reimbursement for the cost of shipment from storage to her residence. While it is unfortunate that she may have been told by a representative of the Transportation Office at McClellan Air Force Base (after having previously been correctly told that the time for reimbursement had expired) that the Government would pay for the cost of moving her household goods from storage, no agency official was authorized to extend the time limit set by regulation. Ervin A. Keith, B-204443, April 15, 1982. Therefore, our Claims Group's disallowance of Ms. Lopez' claim is sustained.

for Milton J. Fowler
Comptroller General
of the United States