



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sergeant First Class Kent E. Mathieu, USA (Retired)
File: B-222114
Date: September 4, 1986

DIGEST

A retired Army sergeant is not allowed reimbursement for shipping his automobile at personal expense to his home of retirement in Hawaii, since he was under a requirement to have the shipment arranged by the government. While as an exception reimbursement for personally procured transportation of an automobile in those circumstances may be allowed when it is demonstrated that the service member acted in reliance on erroneous advice furnished by a government representative, the service member in this case did not actually receive erroneous advice, despite his contention that he was misled by general information he received when he retired concerning reimbursement of his traveling expenses.

DECISION

The issue presented in this matter is whether an Army member may be reimbursed for transporting his privately owned vehicle (POV) at his own expense.^{1/} We conclude that his claim must be denied since he did not request government shipment of his POV and failed to establish that the shipment was based on erroneous advice furnished by a representative of the government.

BACKGROUND

Sergeant First Class Kent E. Mathieu retired from the Army in July 1980 at Fort Polk, Louisiana. Subsequently his POV was shipped by commercial carrier from California to Hawaii. He did not request government transport of his POV, and personally procured its shipment. Upon reaching Hawaii, his home of selection for retirement, he made a claim for reimbursement for the expenses incurred in shipping his POV.

^{1/} This decision is in response to an appeal by Sergeant First Class Kent E. Mathieu, USA (Retired), from our Claims Group's settlement denying his claim for reimbursement for transporting his POV at his own expense.

Our Claims Group denied Sergeant Mathieu's claim for reimbursement on the grounds that he did not arrange for the transportation of his POV through a government shipping office, and it did not otherwise appear that he had arranged to ship his POV at his own expense based on erroneous information provided by a government representative. Since the "erroneous information" basis was Sergeant Mathieu's only possibility for prevailing on his claim, reimbursement was denied.

On appeal, Sergeant Mathieu argues that he did receive erroneous advice. He states that when he left the Army he was informed at the time of final outprocessing that all travel had to be completed to his retirement home of selection at personal expense, and only then could he file a claim for reimbursement of his travel expenses. "In my mind," he states, "the movement of our car * * * was a continuation of our final journey to our Home of Selection." He suggests that he was therefore acting in reasonable reliance on the information he received when he shipped the car at personal expense and then filed claim for reimbursement.

ANALYSIS AND CONCLUSION

Statutory authority for POV shipment at government expense for service members upon a permanent change of station and upon retirement is found in 10 U.S.C. § 2634. Regulations implementing the statute are contained in chapter 11, Volume 1 of the Joint Travel Regulations (1 JTR), and chapter 12 of Army Regulation (AR) 55-71. Paragraph 12-39 of AR 55-71 provides that a member will not be reimbursed for the cost of personally arranged POV shipment except as authorized by 1 JTR para. M11007. Under para. M11007, service members may be reimbursed for shipping costs incurred for personally procured transportation of a POV only if they shipped the POV because a government representative erroneously advised them to do so, and para. M11007 expressly cites our decision in 51 Comp. Gen. 838 (1972) as the basis for this rule.

In 51 Comp. Gen. 838, supra, we expressed the view that 10 U.S.C. § 2634 contemplates arrangements for the shipment of service members' automobiles be made by the appropriate government shipping officer using the modes of transportation there prescribed. Nevertheless, we allowed partial reimbursement of personally procured shipping costs in that case because the procurement was based on erroneous information. The claimant, a grade E-5 enlisted man, was clearly entitled to government shipment of his POV, but was told at the government shipping office that, being an E-5, he was

ineligible. Consequently, he arranged to make the shipment at personal expense, and in these particular circumstances we allowed a partial reimbursement to the extent the government would have been charged if the POV had been shipped at government expense. Para. M11004, 1 JTR, which was adopted as a result of this decision, provides authority for the reimbursement of any service member who arranges for the private shipment of a POV, if it is demonstrated that the member did that acting in reasonable reliance on erroneous advice furnished by a government representative.

In the present case, however, Mr. Mathieu did not request government shipment, and the record does not show that he was told he could not transport his automobile through a government shipping office as was the case in 51 Comp. Gen. 838, supra. It does not appear that he was in any other respect furnished with erroneous advice within the purview of para. M11004, 1 JTR. Rather, the claimant states that he did not follow the regulations applicable to him because of information received at the time of his retirement that he could not claim reimbursement of traveling expenses until he completed his travel to his retirement home. We do not find that this information, taken as a general proposition, was necessarily incorrect or erroneous. It does not otherwise appear that he was specifically misadvised that he would be required to arrange for the private shipment of his automobile because he was ineligible to use a government shipping office for the transoceanic transportation of his automobile or because of other circumstances. Consequently, we are unable to conclude that the personal procurement of POV transportation in this case arose as the result of reasonable reliance on erroneous advice.

Accordingly, we sustain our Claims Group's denial of Sergeant Mathieu's claim for reimbursement.

for 
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