

DOCUMENT RESUME

03815 - [B2914180]

[Request for Reconsideration on Claim for Reimbursement for Shipment of Household Goods]. B-188534. October 13, 1977. 2 pp.

Decision re: William J. Buckingham; by Paul G. Dembling, Acting Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Federal Aviation Administration.

Authority: F.T.R. (FMR 101-7), para. 2-1.5a(2). B-188292 (1977). B-181360 (1975). B-184676 (1975). E-181311 (1974).

An employee requested reconsideration of his claim for reimbursement for shipping household goods after his retirement on medical disability, contending that he was misinformed by a Government official. He was not entitled to reimbursement since transportation did not begin within the 2-year limitation in regulations and the Government is not bound by incorrect statements of its agents. (Author/HTW)

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DECISION

Volpe C.P.
**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20540**

FILE: b-188534

DATE: October 13, 1977

MATTER OF: William J. Buckingham - Reimbursement for shipment of household goods

DIGEST: Employee retired from position in Hawaii in 1973, placed his household goods in storage in 1974, but did not ship his goods to California until 1976. Employee is not entitled to reimbursement for transportation of household goods since transportation did not begin within 2-year time limitation in Federal Travel Regulations, para. 2-1.5a(2). Furthermore, Government is not bound by unauthorized or incorrect statements of its agents.

This action is in response to the appeal of the settlement issued January 21, 1977, by our Claims Division concerning the claim of Mr. William J. Buckingham for reimbursement of charges incident to the shipment of his household goods.

Briefly stated, the record indicates that Mr. Buckingham retired on medical disability effective April 23, 1973, from a position with the Federal Aviation Administration (FAA) in Honolulu, Hawaii. Mr. Buckingham requested and received an extension of the time limitation for travel and shipment of his privately owned vehicle, and at that time he indicated that his household goods would be shipped by April 30, 1974. The record indicates further that Mr. Buckingham's household goods were picked up by the common carrier on April 8, 1974, but were not delivered to the destination point in California until January 20, 1976. Our Claims Division settlement denied Mr. Buckingham's claim since, under the applicable provisions of the Federal Travel Regulations, the carrier had not received the goods with an order to forward them to a particular destination within the 2-year time limitation.

On appeal Mr. Buckingham states that he does not ask that the regulations be modified or waived in his case, but he requests reconsideration on the basis that he was misinformed by a FAA official that he had until April 1, 1976, in which to ship his household goods.

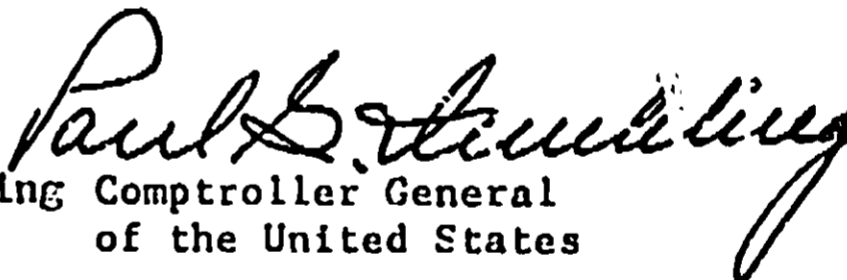
Under the applicable provisions of the Federal Travel Regulations (FTR), para. 2-1.5a(2) (May 1973), the transportation of an employee's household goods must begin within 2 years from the effective date

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of the employee's transfer which in this case was April 23, 1973; that is, the carrier must receive the goods with an order to forward them to a particular destination. Peter E. Donnelly, B-188292, July 8, 1977; and Virgil C. Trice, B-181360, January 22, 1975. These regulations have the force and effect of law and may not be waived or modified by either our Office or by the agency. Donnelly, supra; and Dale R. Moore, B-184676, November 17, 1975.

Mr. Buckingham's appeal is based upon the erroneous information supplied by an official of the FAA who, thinking that Mr. Buckingham's retirement date was the same as the date of his travel order, April 1, 1974, advised Mr. Buckingham on February 7, 1975, that his household goods must be shipped prior to April 1, 1976. It is unfortunate that Mr. Buckingham was misinformed as to the time limitation for shipping his household goods, but it is a well-settled rule of law that the Government cannot be bound by the unauthorized or incorrect statements of its agents. See Elton L. Smalley, B-181311, August 21, 1974, and court cases cited therein.

Accordingly, we sustain the action of our Claims Division in disallowing Mr. Buckingham's claim.


Acting Comptroller General
of the United States