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DECISION



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

FILE: B-195233

DATE: March 31, 1980

MATTER OF: Joseph R. Gilsoul - [Reimbursement for
house-hunting trip expenses]

GA000001

DIGEST: Employee claims reimbursement for house-hunting trip he made prior to written authorization for such expenses. Claim is denied since expenses were incurred without written authorization or approval of authorized official. Although employee was misinformed by agency official as to his entitlements, Government is not bound by erroneous acts of its agents.

Mr. Joseph R. Gilsoul has appealed our Claims Division's settlement denying his claim for house-hunting trip expenses incident to a permanent change of station. The issue presented for our decision is whether Mr. Gilsoul may be reimbursed for house-hunting trip expenses incurred prior to written authorization for such expenses.

Mr. Gilsoul, then an employee of the General Accounting Office (GAO), accepted a transfer of official duty station from Atlanta, Georgia, to New Orleans, Louisiana. In connection with this transfer, Mr. Gilsoul signed a service agreement on May 12, 1977, and he was issued travel orders on May 19, 1977. The travel orders authorized Mr. Gilsoul reimbursement for a house-hunting trip, but the record indicates that Mr. Gilsoul had made his house-hunting trip during the period April 29 to May 3, 1977, prior to authorization of such a trip. Mr. Gilsoul states that he performed this travel only after specific verbal authorization from the Regional Manager of the Atlanta office.

The GAO finance office denied Mr. Gilsoul's claim in the amount of \$325.81 since the travel was performed prior to authorization. The Claims Division denied Mr. Gilsoul's claim on the grounds that the expenses were incurred prior to written authorization and that the Regional Manager did not have the authority to authorize a house-hunting trip. On appeal Mr. Gilsoul argues that he should not be held responsible where the Regional Manager improperly authorized the house-hunting trip.

The authority for the payment of house-hunting trip expenses is contained in 5 U.S.C. § 5724a(a)(2) (1976) and the implementing

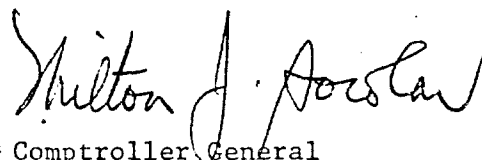
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regulations, the Federal Travel Regulations (FTR), Chapter 2, Part 4. Under the provisions of FTR para. 2-4.3c an employee may not perform a house-hunting trip without prior written authorization in the form of travel orders. However, as we held in Raymond B. Shackelford, B-187673, November 21, 1977, our Office has recognized two limited exceptions to the requirement of prior written authorization. The first exception is where the absence of prior written authorization is the result of administrative error in failing to follow the specific intent of the appropriate authorizing official. The second exception is where the subsequent written authorization merely affirms prior verbal or other informal authorization for the trip granted by an appropriate authorizing official. See Shackelford supra, and decisions cited therein.

In the present case Mr. Gilsoul would not fall within either exception to the rule on prior written authorization since, under GAO's travel regulations, the Regional Manager did not have the authority to authorize a house-hunting trip. It is unfortunate that Mr. Gilsoul was erroneously advised as to his entitlement to a house-hunting trip prior to written authorization, but it is a well-settled rule of law that the Government cannot be bound beyond the actual authority conferred upon its agents by statute or by regulations. See M. Reza Fassihi, 54 Comp. Gen. 747 (1975) and cases cited therein. Furthermore, the Government is not estopped from repudiating advice given by one of its officials if that advice is erroneous, and any payments made on the basis of such erroneous advice or authorizations are recoverable. See Joseph Pradarits, 56 Comp. Gen. 131 (1976).

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

With regard to Mr. Gilsoul's request concerning his appeal rights, he is advised that independent of the jurisdiction of the General Accounting Office, the United States Court of Claims and the United States District Courts have jurisdiction to consider claims against the Government if suit is filed within 6 years after the claim first accrued. See 28 U.S.C. §§ 1346(a)(2), 1491, 2401, and 2501 (1976).



For the Comptroller General
of the United States