

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

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FILE: B-212278

DATE: September 2, 1983

MATTER OF: Teresita G. Bowman

DIGEST: The spouse of a Foreign Service officer who died while stationed in Washington, D.C., was entitled to transportation of her household effects to the place where the family will reside, but by regulation such transportation was required to take place within a maximum of 18 months after the officer's death. The widow may not be granted a further extension of time by action of the Committee on Exceptions to the Foreign Service Travel Regulations.

On June 29, 1983, the Office of Fiscal Operations, Department of State, asked for a decision concerning the authority of the Board of Exceptions to the Foreign Service Travel Regulations to grant exceptions to the time limits applicable to the shipment of household effects of Foreign Service officers after separation or, as in this case, death.

The question has arisen in the case of Mrs. Teresita G. Bowman, who was entitled to ship her household effects to a location she designated following the death of her husband while he was a Foreign Service employee stationed in Washington, D.C. Mrs. Bowman asked to have her entitlement to shipment of household goods at Government expense extended beyond 2 years from the date of her husband's death. She asks for the extension in order to settle the estate and in consideration for her child's schooling. The 2-year period expires August 31, 1983, and we understand that Mrs. Bowman has not moved yet, but plans to do so sometime in 1984.

The authority for shipment of the household effects of Foreign Service officers in this situation is contained in section 901(11) of the Foreign Service Act of 1980, 94 Stat. 2071, 2126, 22 U.S.C. § 4081(11) (Supp. IV, 1980) which specifically authorizes the Secretary of State to pay for transporting the "furniture and household and personal effects" of a Foreign Service employee who "has died, to the place where his or her family will reside." The Secretary is authorized to

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prescribe appropriate regulations and to delegate that authority in section 206 of the Foreign Service Act of 1980, 22 U.S.C. § 3926 (Supp. IV, 1980).

The applicable regulations are contained in section 132.2-2 of the Foreign Service Travel Regulations, Volume 6, of the Foreign Affairs Manual, which provides in pertinent part:

"132.2-2 Separation From the Service

"When an employee is separated from the Foreign Service and qualifies for travel and shipment of effects * * * the actual departure of the employee, the departure of the employee's family, and the transportation of all effects shall not be deferred more than 12 months (6 months if only domestic travel is involved). The time limitation will be calculated from the employee's last day in pay status, unless an earlier or later limitation is specified in the travel authorization or the time limitation is extended. Such later time limit or extension shall not exceed 18 months after the employee's last day in pay status."

This regulation is considered applicable under current law to the case of an employee who is separated by death and transportation entitlement is authorized for his or her family. Thus, the controlling regulations limit the delay in taking advantage of the transportation benefit to 18 months after the entitlement arose.

The authority of the Committee on Exceptions to the Foreign Service Travel Regulations is provided for in paragraph 121.1-4 of the Uniform Foreign Affairs Regulations, Volume 6, Foreign Affairs Manual. We have held that these provisions do not authorize the extension of the time limit for shipment of household goods. Matter of Schott, 57 Comp. Gen. 387 (1978). Although the basic authority to ship household goods upon separation was reenacted in 1980, after the issuance of our 1978 decision, the authority of the Secretary and the regulations promulgated by the Secretary were not changed in any way which would change the conclusion stated in that decision.

It must be recognized that the Department does not have authority to waive provisions contained in its regulations in individual cases. Limited authority to grant extensions or to increase allowances may be provided by the regulations themselves and authority may be delegated to a body such as the Committee on Exceptions to grant additional benefits within those limits. There is no authority, however, for granting exceptions to definite regulatory provisions on a case-by-case basis without such authority being contained in the regulatory provision involved. 51 Comp. Gen. 30 (1971); Matter of Bauman, B-184068, August 22, 1975, citing Service v. Dulles, 354 U.S. 363 (1957).

Accordingly, the cost of transporting Mrs. Bowman's household goods may not be authorized for transportation taking place after the expiration of the 18-month period provided for in 6 FAM 132.2-2.

for Harry R. Van Cleve
Comptroller General
of the United States