

**DECISION**



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

**FILE:** B-214942

**DATE:** October 5, 1984

**MATTER OF:** Michael J. Patnode

**DIGEST:** Prior to his transfer from the United States to Japan, a Department of Defense employee was erroneously advised that if he purchased an automobile in Japan rather than ship his automobile purchased in the United States to Japan, he would be eligible for Government shipment of the automobile purchased in Japan back to the United States upon a subsequent transfer. Although the employee's travel orders incident to the subsequent transfer from Japan authorized Government shipment of an automobile, the employee may not be reimbursed for the shipping expenses since the Federal Travel Regulations authorize Government shipment of an employee's automobile from an overseas station only if it is shipped to the overseas station at Government expense or is a replacement for a vehicle that was shipped to the overseas station.

May an employee who was erroneously advised about requirements concerning Government shipment of his privately owned automobile incident to an overseas transfer and whose travel orders initially authorized the Government shipment of his automobile upon a subsequent transfer from the overseas duty station be reimbursed the shipping cost of the automobile from the overseas duty station incident to the transfer?<sup>1/</sup> The employee may not be reimbursed this cost since the Federal Travel Regulations authorize Government return shipment of an employee's automobile from an overseas station only if it was shipped to the overseas station at Government expense or was a replacement for a vehicle that was transported to the overseas station. The employee in this case did not ship an automobile to the overseas station incident to his initial transfer.

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<sup>1/</sup> The Finance and Accounting Officer of the Central Security Service, National Security Agency, Department of Defense, submitted this question as a request for an advance decision.

In connection with his 1980 transfer from a duty station in the United States to Camp Zama, Japan, Mr. Michael J. Patnode, an employee of the National Security Agency, Department of Defense, disposed of his two privately owned automobiles, one of which was manufactured before March 1976 and one of which was manufactured after March 1976. Because of Japanese emission control restrictions, only the older automobile would have been eligible for Government transportation to Japan. In 1983, when he was to be transferred from Camp Zama back to Fort George Meade, Maryland, he replaced the automobile he purchased in Camp Zama when he arrived in 1980 with a new one that was manufactured in Japan to be shipped from Guam to the United States. His travel orders initially authorized Government shipment of an automobile incident to the transfer from Camp Zama back to Fort Meade. However, after Mr. Patnode had contracted to purchase the new automobile and made return shipping arrangements for it, his orders were amended to cancel the authorization for Government shipment because he had not actually shipped an automobile to Japan in 1980 incident to his initial transfer and was, therefore, not eligible for shipment of his automobile at Government expense.

That part of Mr. Patnode's travel orders authorizing Government shipment of his automobile from Camp Zama was necessarily cancelled. An employee's automobile may be returned from an overseas station incident to a transfer at Government expense only if the employee's automobile was shipped at Government expense to the overseas station incident to the initial transfer or is a replacement for a vehicle shipped to the overseas station. Federal Travel Regulations, para. 2-10.3b (1981); Joint Travel Regulations (JTR), Vol. 2, para. C11004-2a. Both of these regulations implement 5 U.S.C. § 5727(b) (1982), the statutory authority for employees to ship automobiles at Government expense incident to a transfer. See also Wilfredo O. Tungol, B-208695, November 30, 1982.

Mr. Patnode believes that his automobile shipping expense to Fort Meade should be reimbursed because he was erroneously informed in 1980 when he transferred to Camp Zama that he did not need to ship an automobile

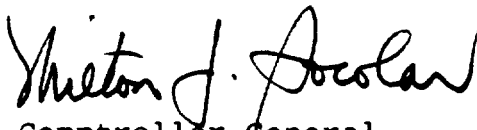
there in order to qualify to have one shipped back at Government expense when he was transferred back to the United States. He also reports that members of the Armed Forces routinely do what he was advised he could do. That is, they buy a used, foreign-manufactured automobile for use at the duty station in Japan upon arrival and replace the used automobile with a newly purchased foreign-manufactured automobile suitable for use in the United States at the end of the tour of duty in Japan. The newly purchased automobile is shipped at Government expense back to the United States upon the transfer. The Finance and Accounting Officer suggests we review this case since the Department of Defense does not permit American automobiles manufactured after March 31, 1976, to be shipped overseas to Japan at Government expense because of the peculiar emission control requirements in Japan.

The advice Mr. Patnode received in 1980 was apparently based upon practices applicable to military personnel and it was appropriate since the authority for Government shipment of privately owned automobiles of military personnel is 10 U.S.C. § 2634, implemented by chapter 11 of Volume 1, Joint Travel Regulations. There is no requirement under those authorities for an automobile to be shipped to an overseas duty station incident to a change of station in order for one to be shipped at Government expense upon a service member's subsequent change of station. While apparently this difference in entitlement between military personnel and civilian employees concerning Government shipment of automobiles was not explained to Mr. Patnode, this failure does not provide a basis for payment of his claim. It is well settled that, in the absence of a specific statutory provision, the Government is not bound by the erroneous acts or omissions of its agents or employees. Wilfredo O. Tungol, supra. And even if the travel orders had not been amended to cancel authorization for shipment of the automobile at Government expense, they could not have provided entitlement for something not authorized by the governing regulations. B-171315, November 20, 1970.

While it is unfortunate that Mr. Patnode may not have been properly advised about shipping automobiles to

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and from overseas duty stations, we may allow employees' expenses only to the extent permitted by governing regulations. Accordingly, we must deny reimbursement for shipping his automobile incident to his transfer from Japan since he had not shipped an automobile incident to his transfer to Japan.

*for*   
Comptroller General  
of the United States