



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Daniel W. Krieber - Transportation of Privately  
Owned Vehicle Purchased Overseas

**File:** B-229191

**Date:** August 17, 1988

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### DIGEST

An employee who transferred from Michigan to Hawaii did not ship his privately owned vehicle (POV) to Hawaii. The employee now seeks reimbursement for the expenses of shipping a vehicle from Hawaii to California upon transfer back to the continental United States. The employee may not be reimbursed these shipping expenses since para. 2-10.3b of the Federal Travel Regulations authorizes such reimbursement only if this POV was initially shipped to the employee's overseas post of duty at government expense.

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### DECISION

This decision is in response to a request by Mr. Foon C. Lee, Authorized Certifying Officer, National Park Service, United States Department of the Interior, for a determination as to whether Mr. Daniel W. Krieber, an employee of the agency, may be reimbursed for the expenses incurred in shipping his privately owned vehicle (POV) from Honolulu, Hawaii, to San Francisco, California, incident to a permanent change of station. For the reasons stated later in this decision, we conclude that the employee may not be reimbursed for these expenses.

### BACKGROUND

Mr. Krieber was transferred from Isle Royale National Park, Michigan, to the USS Arizona Memorial, Hawaii, in March 1984. He was informed by agency officials that if he desired to have his POV shipped from Michigan to Hawaii, he would have to drive it cross-country to California for shipment from the west coast. Instead, Mr. Krieber sold his vehicle in Michigan. However, since the use of an automobile was essential to the performance of his duties, Mr. Krieber purchased an American-made

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automobile in Hawaii. Mr. Krieger was not counseled in advance concerning the regulations pertaining to the transportation of his POV from the continental United States (CONUS) to Hawaii and the prohibition against reimbursement of the costs of transporting his POV from Hawaii back to CONUS if he had not shipped that POV to Hawaii upon transfer.

The National Park Service states that had Mr. Krieger requested that his POV be transported to Hawaii at government expense, the agency would have approved the shipment in accordance with paragraph 2-10.1a(2) of the Federal Travel Regulations (FTR).<sup>1/</sup> However, upon his transfer from Hawaii to Pinnacles National Monument, California, in 1987, Mr. Krieger was denied the reimbursement of the costs of transporting his POV since no shipment of his POV was made at government expense at the time of his transfer from Michigan to Hawaii. Mr. Krieger's supervisor states that the employee's POV is needed in the performance of his official duties at Pinnacles National Monument.

#### OPINION

The statutory authority for the shipment of vehicles upon transfer overseas is contained in 5 U.S.C. § 5727(b) (1982). Under that section, employees may be authorized shipment of a vehicle at government expense to and from a post of duty outside the continental United States when the head of the agency concerned determines that it is in the interest of the government for the employee to have the use of a vehicle at the post of duty. The regulations implementing this statutory authority are contained in the Federal Travel Regulations, and those regulations specify the conditions under which an employee may be authorized to ship, at government expense, a vehicle to an official station outside the conterminous United States. See FTR paras. 2-10.2, 2-10.3a. These regulations provide further in para. 2-10.3 for the return shipment of a POV to the United States as follows:

"b. Return from official station after assignment. An employee whose privately owned vehicle was transported to his/her official station under the authority of this part may have that vehicle returned to the United States at Government expense not to exceed the cost for transportation

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<sup>1/</sup> Supp. 1, Sept. 28, 1981, incorp. by ref., 41 C.F.R. § 101-7.003 (1982).

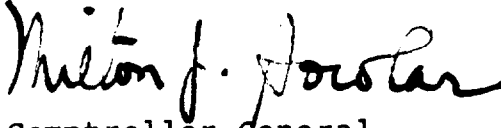
to his/her actual residence at the time of appointment or assignment to duty outside the conterminous United States . . ." (Emphasis added.)

Our decisions have interpreted this language in the FTR to hold that a vehicle may not be transported at government expense from an overseas duty post to the United States unless that vehicle (or a replacement vehicle authorized under FTR para. 2-10.3e) was transported at government expense to the overseas duty post.<sup>2/</sup>

The agency points out that Mr. Krieger saved the government money by not driving his original POV from Michigan to California and shipping the POV to Hawaii. However, the regulatory provisions and the prior decisions of this Office set forth the rule that a POV may not be transported at government expense from an overseas post of duty to CONUS unless that vehicle was transported at government expense to the overseas duty post. The Federal Travel Regulations have the force and effect of law, and this Office is without authority to waive or modify them. See Tungol, supra.

The fact that Mr. Krieger may not have been counseled in advance concerning this rule on transporting his POV is unfortunate, but 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 officers, agents, or employees. See Patnode, supra; Tungol, supra.

Accordingly, Mr. Krieger's claim for reimbursement for shipment of his POV may not be paid.

*for*   
Comptroller General  
of the United States

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<sup>2/</sup> Michael J. Patnode, B-214942, Oct. 5, 1984; Wilfredo O. Tungol, B-208695, Nov. 30, 1982; Monika Weaver Ogburn, B-183408, Sept. 4, 1975, sustained in B-183408, May 3, 1976.