

Heitzman  
144067



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** Charles E. Robertson - Household Goods Moving Expenses - Commuted Rate or Government Bill of Lading Method

**File:** B-242457

**Date:** May 24, 1991

### DIGEST

A transferred employee was authorized to move his household goods under the commuted rate method not to exceed the cost to the government under the actual expense government bill of lading method. The employee moved his household goods himself and claims the difference between the actual expense method that he was reimbursed and the higher commuted rate. He is entitled to the difference since there is no statutory or regulatory authority which provides for a limitation on the amount to be reimbursed in commuted rate schedules. Travel orders which purport to limit reimbursement without proper authority are not competent orders and have no legal effect.

### DECISION

A transferred employee claims entitlement to be reimbursed the full commuted rate for his household goods shipment.<sup>1/</sup> The issue presented is whether an agency can limit an employee's entitlement to reimbursement for shipment of household goods to the cost to the government by the actual expense Government Bill of Lading (GBL) method<sup>2/</sup> where the employee was authorized shipment of household goods by the commuted rate method,<sup>3/</sup> not to exceed the cost by the GBL method. For the

1/ Claims File No. 2-2866708.

2/ Under the actual expense (GBL) method the government assumes responsibility for awarding contracts and for other negotiations with carriers and the property is shipped under a government bill of lading. 41 C.F.R. § 302-8.3(b) (1990).

3/ Under the commuted rate system the employee makes the arrangements for transporting household goods and is reimbursed in accordance with schedules of commuted rates which are contained in General Services Administration Bulletin FPMR A-2. 41 C.F.R. § 302-6.3(a) (1990).

reasons that follow, we hold that the employee is entitled to the full commuted rate.

#### BACKGROUND

Mr. Charles E. Robertson, an employee of the Department of the Air Force, was authorized a permanent change of station from McGuire Air Force Base, New Jersey, to Los Angeles Air Force Base, California, under travel orders dated May 23, 1989. The orders authorized transportation of household goods not in excess of 18,000 pounds via commuted rate; however, they contained a statement that "reimbursement is limited to the GBL rate of \$4,942.28 if commuted rate is used."

Mr. Robertson decided to move his household goods himself, which he did during September 1989, using a rental truck and trailer. Upon arriving in California, he obtained a weigh-master's certificate which showed that the net weight of his household goods was 15,520 pounds. Mr. Robertson subsequently filed a claim with his agency for what he alleges is the applicable commuted rate of \$15,035.50. The agency denied his claim because of the limitation on his travel orders of \$4,942.28. The employee objected to this limitation which led to his travel orders being amended twice, on October 18, 1989, and December 7, 1989, to reflect the amount which the Air Force believed to be the correct GBL rate for his shipment of household goods. The Air Force finally decided on \$6,708.05 as the correct amount of reimbursement and Mr. Robertson was paid this amount.

Mr. Robertson maintains that he is entitled to the full commuted rate and has claimed an additional \$8,327.45, plus interest. He states that in addition to the cost of the rental truck and trailer, he incurred additional costs which should be taken into consideration such as commercial air fare to return to his prior residence to perform the move, annual leave and holiday time lost during the move, and numerous other expenses including the cost of packing materials, boxes, and labor, and his cost for fuel, lodging and meals while in transit.

#### OPINION

Section 5724(c) of title 5, United States Code (1988), provides that an employee who transfers in the interest of the government between points within the continental United States, instead of being paid for the actual expenses of transporting his household goods, shall be reimbursed on a commuted basis at the rates per 100 pounds that are fixed by zones in the regulations. The only limitation placed on the commuted rate reimbursement by the statutory authority is that it may not exceed the amount which would be allowable for the

employee's authorized weight allowance. However, under regulations, payment of actual expenses may be made when more economical.

The Federal Travel Regulation, as supplemented by the Joint Travel Regulations (JTR), provides that an employee who makes his own arrangements and transfers his household goods by carrier or by noncommercial means is reimbursed in accordance with schedules of commuted rates which are contained in General Service Administration Bulletin FPMR A-2. The arrangements include the use by the employee of a rented truck or trailer, 41 C.F.R. § 302-8.3(a) (1990); 2 JTR C8001-4b(1) (Ch. 277, Nov. 1, 1988).

Although the Air Force issued Mr. Robertson travel orders which authorized the commuted rate, and which limited reimbursement to the cost of the GBL method, we are not aware of any statutory or regulatory provision that permits a limitation to be placed on the rates published by GSA where the commuted rate is authorized, nor has the Air Force provided us with a citation to any provision.<sup>4/</sup> This Office has held that travel orders must be issued under competent authority in order to be given legal effect, *i.e.*, they cannot purport to authorize additional reimbursement or provide for a benefit that is not provided for by regulation. Michael J. Patnode, B-214942, Oct. 5, 1984; Lawrence C. Williams, B-194792, Jan. 16, 1980; B-171315, Nov. 20, 1970. We believe that this same principle would apply to travel orders that purport to limit an employee's entitlement where there is no regulatory or statutory authority to do so.

Accordingly, since Mr. Robertson was authorized the commuted rate in advance, and as we are not aware of any regulatory or statutory authority that allows a limitation on the commuted rate, he is entitled to be reimbursed at the full commuted rate. Wilbert D. Hammers, B-234696, Nov. 3, 1989. The Commander, Military Traffic Management Command should be requested to verify the correct commuted rate to be applied.

In addition, there is another point that we believe needs verification. Mr. Robertson's truck rental agreement indicates that he rented an auto trailer, and the weight certificate shows that both the weight of the rental truck and the auto trailer were used in determining the net weight of Mr. Robertson's household goods. If, in fact, Mr. Robertson

---

<sup>4/</sup> The GSA Federal Property Management Regulations, which provide for certain limitations on reimbursement, do not apply to Department of Defense employees and are not applicable here. 41 C.F.R. §§ 101-40.000 and 101-40.201 (1990). Robert P. Auber, B-212818, Mar. 13, 1984.

used the auto trailer to transport his privately owned automobile instead of to ship his household goods, then reimbursement would not be authorized since the cost would not be attributable to transportation of household goods. See 5 U.S.C. § 5727(a) (1988). See also Mark P. Dulin, B-230726, Oct. 3, 1989; Mark A. Smith, B-228813, Sept. 14, 1988. In that event, an adjustment in his reimbursable costs would be necessary. Finally, interest is not payable here since there is no authority for such payment. B-179786, Oct. 18, 1973.

*Milton F. Anstler*

~~ACRDE~~ Comptroller General  
of the United States