



Office of the General Counsel

B-253558.2

March 8, 1994

The Honorable Robert C. Smith
United States Senator
The Gateway Building
50 Phillippe Cote Street
Manchester, NH 03101

Dear Senator Smith:

This is in response to your letter of January 21, 1994, regarding [redacted] claim for reimbursement for shipment of an automobile. We denied his claim in our decision B-253558, November 30, 1993 (copy enclosed).

The record indicates that [redacted] was transferred from Beale Air Force Base, California, to Loring Air Force Base, Maine, under orders dated August 10, 1992. He drove one auto from California to Manchester, New Hampshire, accompanied by his wife. Apparently, [redacted] received erroneous advice from an Air Force technician concerning his entitlement if he shipped his second auto commercially. In any event, he shipped his second auto to Manchester, and he and his wife drove both autos to Loring from there. He then filed a claim with the Air Force for various moving expenses including reimbursement for shipment of the second auto. The Air Force denied his claim for reimbursement for shipment of the auto, as did our Claims Group. Our decision affirmed the Claims Group's denial.

In our decision we said that volume 1 of the Joint Federal Travel Regulations (JFTR), paragraph U5205-A1, effective September 10, 1992, allows payment of a monetary allowance in lieu of transportation to a service member entitled to transportation of dependents for the use of a second vehicle if the vehicle is driven by the member's dependent. (Prior to September 10, 1992, the allowance was paid for only one vehicle unless authorization for a second vehicle was obtained in advance under paragraph U5205-A2.) There is no provision in the JFTR which would allow reimbursement for commercial shipment of an auto in [redacted] situation.

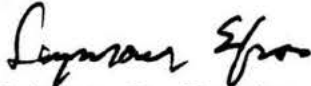
While [redacted] cites 1 JFTR U5425 as authority for payment of his claim, that provision applies only to a

member who is eligible to have his vehicle transported at government expense. He was not entitled to transportation of his vehicle at government expense; rather, he was entitled to an allowance for the second vehicle only if he or a member of his family traveled in the vehicle, which did not occur.

Furthermore, since military pay and allowances are governed strictly by applicable law and regulations, entitlements are not affected by oral advice from government officers, agents, and employees. It has long been recognized that the government is not liable for the erroneous acts of its officers, agents, or employees, even when the advice is provided in their official capacity. See 56 Comp. Gen. 943 (1977); Federal Crop Insurance Corporation v. Merrill, 322 U.S. 380 (1947).

While it is unfortunate that _____ may have received erroneous advice, we denied his claim because no authority exists to pay it. We regret a more favorable reply is not possible.

Sincerely yours,


Robert P. Murphy
Acting General Counsel

Enclosure