

B-255038

January 26, 1994

DIGEST

Notwithstanding the fact that he received erroneous advice to the contrary by an agency employee, an employee may not be reimbursed for a mortgage insurance premium he had to pay incident to his transfer because it is specifically prohibited in the Federal Travel Regulation, 41 C.F.R. § 302-6.2(d)(2)(i) (1993).



Office of the General Counsel

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Dear Mr. :

This responds to the letters of June 4 and July 12, 1993, appealing our Claims Group's settlement Z-2868461, May 6, 1993, which sustained the Navy's denial of reimbursement for a mortgage insurance premium you paid in purchasing a home at your new duty station incident to your transfer by the Navy.

As the Claims Group advised you, applicable regulations do not authorize reimbursement of the mortgage insurance premium. While it is unfortunate that you received erroneous advice from a Navy employee in this regard, that does not provide a basis for the Navy or our office to allow a payment not authorized by the travel regulations. Upon review of the record, we find no error of fact or law in the Claims Group's settlement, and accordingly, it is affirmed.

Regarding your question as to further levels of appeal of our disallowance of your claim, if you wish, you may pursue your claim in the U.S. Court of Federal Claims or a U.S. District Court.

Sincerely yours,



Robert P. Murphy
Acting General Counsel