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Mrs. Joseph



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

B-203502

December 1, 1981

The Honorable Frank Wolf
Member, House of Representatives
1651 Old Meadow Road
Suite 115
McLean, Virginia 22102

Do not make available to public reading

Dear Mr. Wolf:

This letter is in response to your request of October 6, 1981, concerning your constituent, Mr. Kenneth Becker, a civilian engineer employed by the Department of the Navy. Mr. Becker's request for additional allowances in connection with his relocation to Arlington, Virginia, was the subject of the enclosed decision, B-203502, which was issued October 8, 1981, the day before your request was received by this Office.

On December 19, 1979, Mr. Becker was appointed by the Department of the Navy to a manpower shortage category position which required him to relocate from Richton Park, Illinois, to Arlington, Virginia, to begin his assignment. Due to hardship he is experiencing in the relocation, he has requested allowances which are authorized only for employees who are transferred from one Government position to another.

The enclosed decision explains that appointees to manpower shortage category positions may be allowed only those relocation expenses authorized by the provisions of 5 U.S.C. § 5723(a) (1976). Unlike employees transferred between positions within the Government whose entitlements are governed by the broader authority of 5 U.S.C. § 5724a, appointees to shortage category positions are not entitled to reimbursement of residence sale and purchase expenses, subsistence while occupying temporary quarters, and the miscellaneous-expense-allowances.

As a general matter, the Government cannot go beyond the actual authority conferred by statutes and regulations. Matter of Kenneth P. Lindsley, Jr., B-194341, May 22, 1979. Regardless of the hardship which Mr. Becker has undoubtedly faced, there is no authority which would permit the Government to reimburse him the relocation expenses payable to

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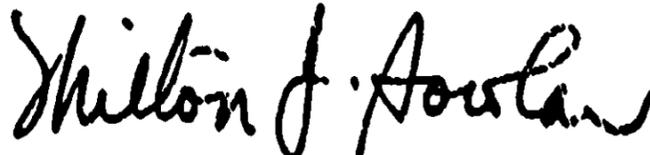
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transferred employees. Your constituent, Mr. Becker, is limited to those expenses authorized under 5 U.S.C. § 5723(a).

In regard to Mr. Becker's inquiry as to his right of appeal, decisions of the Comptroller General are binding on executive agencies of the United States. 54 Comp. Gen. 921, 926 (1975). However, independent of the jurisdiction of this Office, the United States Court of Claims and District Courts have jurisdiction to consider certain claims against the Government if suit is filed within 6 years after the claim first accrued. See 28 U.S.C. §§ 1346(a)(2), 1491, 2401, and 2501 (1976). See also Samuel Freiberg, 59 Comp. Gen. 186 (1979).

We hope that this information has aided in your inquiry regarding Mr. Kenneth Becker. The material furnished with your letter is returned.

Sincerely yours,

for 
Comptroller General
of the United States

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