



**Comptroller General
of the United States**

Washington, D.C. 20548

B-232481

December 19, 1988

To the Congress of the United States:

Pursuant to 31 U.S.C. § 3702(d) (1982), we submit the following report on the claim of Dr. [redacted], which we believe deserves consideration of the Congress as a meritorious claim.

Dr. [redacted] entered federal service in 1984 as an appointee to a manpower shortage position at the William Beaumont Army Medical Center, Fort Bliss, Texas. At the time he accepted the position, he and his family resided in Memphis, Tennessee. In preparation for Dr. [redacted] relocation to Texas, the Department of the Army issued travel orders authorizing payment of travel, transportation and relocation expenses, including temporary quarters subsistence expenses. Dr. [redacted] also received a travel advance of \$5,032.40. In reliance upon these travel orders, Dr. [redacted] moved his family to El Paso, Texas.

After arriving in El Paso and purchasing a residence, Dr. [redacted] attempted to settle his account with the government. At this time he learned that his travel orders were erroneous in authorizing per diem for his family, temporary quarters subsistence expenses, and miscellaneous and real estate expenses. Since Fort Bliss was his first duty station assignment, his entitlement under 5 U.S.C. § 5723 and the Joint Travel Regulations (2 JTR, chap. 4, para. C4051) was limited to transportation for him and his family, per diem for himself and movement of his household goods. Instead of recovering from the government the amount of approximately \$1,600 that he expended beyond his travel advance in travel, miscellaneous and real estate costs that were authorized by his travel orders, Dr. [redacted] owed the government \$4,662.20, the amount by which his travel advance exceeded his actual entitlement.

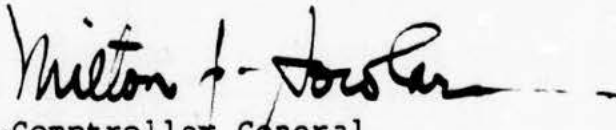
Based on the documentation submitted to our Office on this matter, there is no evidence of fraud, misrepresentation, fault or lack of good faith on the part of Dr. [redacted] in connection with the erroneous authorizations that he

received. The information we have reviewed indicates that the erroneous travel orders appeared to carry official sanction and that Dr. [redacted] relied on their terms during his relocation.

Under an amendment to 5 U.S.C. § 5584 recently enacted by Pub. L. No. 99-224, approved December 28, 1985, 99 Stat. 1741, we are authorized to waive collection of erroneous relocation expense payments. However, this amendment postdates the payments made to Dr. [redacted] and therefore does not apply to his case. Accordingly, unless Congress enacts legislation relieving Dr. [redacted] of liability for repayment of the relocation expense advance, the federal government will have to pursue collection action. We recommend that Congress enact legislation relieving Dr. [redacted] of liability since collection under the circumstances would be against equity and good conscience. In addition, it appears that Dr. [redacted] incurred substantial costs beyond the amount of his travel advance in reliance upon his travel authorization and that his reliance was reasonable. As such, we recommend that Dr. [redacted] be reimbursed relocation expenses as authorized under his travel orders.

If the Congress concurs in our recommendation, enactment of a statute in substantially the following language will accomplish the relief recommended:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that [redacted], an employee of the Department of the Army, shall be deemed entitled to reimbursement for costs incurred as a result of his relocation from Memphis, Tennessee, to El Paso, Texas, in 1984, as provided by his official travel authorization."

for 
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