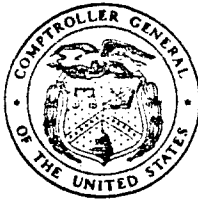


**DECISION**

*14706* *Mr. [unclear]*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

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**FILE:** B-203502**DATE:** October 8, 1981**MATTER OF:** Kenneth Becker -  
Relocation Expenses

**DIGEST:** The Navy has no authority to pay permanent change-of-station relocation entitlements to a new appointee to a manpower shortage position for his relocation to his first duty station despite the extra expenses he incurred due to difficulty in selling his prior residence in Illinois and in purchasing a new home in Virginia. His relocation entitlements are limited to those authorized under the provisions of 5 U.S.C. § 5723 (1980), which include mileage and per diem allowances, movement of household goods, and travel of dependents. They do not include the expenses of buying and selling residences, temporary quarters subsistence expenses, etc., payable in connection with a permanent change of station.

The Commander of Naval Sea Systems Command requests a determination whether, due to hardship, a new appointee to a civilian position may be paid certain relocation allowances normally given only to employees upon a permanent change of station (PCS) between duty stations within the continental United States. We have determined that, based on the provisions of 5 U.S.C. § 5723 (1980), there is no authority for the payment.

Mr. Kenneth Becker, while living in Richton Park, Illinois, was given a manpower shortage appointment by the Naval Sea Systems Command as a mechanical engineer in Arlington, Virginia, his first duty station. His travel order, dated December 19, 1979, authorized a per diem allowance for him, a mileage allowance for travel by his private automobile, the movement of his household goods, delayed dependent travel, and the movement of a second car in case of delayed dependent travel.

Mr. Becker's appointment was effective January 14, 1980. He states that he has been unable to purchase a new residence in Virginia, his first duty station, due to his inability to find a buyer for his Illinois home. He contends that without

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the sale of the Illinois home, he cannot afford the higher cost of a Virginia home.

Since January 1980, Mr. Becker has maintained a temporary residence in Virginia, with his three dependents remaining in Illinois. He indicates that his savings have been depleted by frequent trips to Illinois, coupled with the illness of a dependent child.

He has been granted an extension of the relocation reimbursement period from 1 year to 2 years. He now seeks to have the reimbursement broadened to that which he would receive in a PCS relocation. Reimbursements under PCS would include temporary subsistence reimbursement and assistance in the purchase and sale of real estate. He believes that unless he receives the increased entitlement, he will have to leave his position with the Navy to seek work in Illinois.

The issue in this case is whether a new appointee, hired during a manpower shortage, who is experiencing difficulty in the move to a first duty station, may receive PCS entitlements.

Under the provisions of 5 U.S.C. § 5723(a), new appointees to manpower shortage positions may receive transportation, the movement of household effects, and a per diem allowance for themselves.

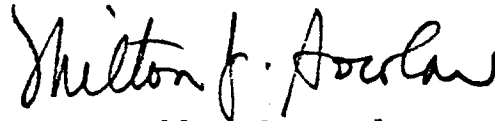
Under the broader entitlements authorized by the provisions of 5 U.S.C. § 5724a, employees under a PCS between duty stations within the continental United States may be compensated for house hunting, residing in temporary quarters, selling and purchasing a residence, and for miscellaneous expenses. Mr. Becker seeks these additional reimbursements although he is not in a PCS status.

As a general rule, the Government cannot go beyond the actual authority conferred by statutes and regulations. Matter of Kenneth P. Lindsley, Jr., B-194341, May 22, 1979. The provisions of 5 U.S.C. § 5723 which apply to Mr. Becker do not authorize relocation expenses beyond transportation, the movement of household goods, and a per diem allowance for himself, all of which he has already received. Implementing regulations for manpower shortage category

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appointees are set forth in the Federal Travel Regulations (FPMR 101-7) (May 1973) para. 2-1.5f(4), which prohibit the reimbursement of residence sale and purchase expenses, subsistence while occupying temporary quarters, and miscellaneous expense allowances for such appointees. The applicable regulations clearly state the limits of the Government's authority. See 54 Comp. Gen. 747 (1975); and Matter of Kenneth P. Lindsley, Jr., B-194341, May 22, 1979.

Thus, there is no authority under which Mr. Becker is entitled to the additional reimbursement of expenses he seeks.



Acting Comptroller General  
of the United States