

DECISION



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

*Riedinger
7-11-82 118424*

FILE: B-206744

DATE: May 18, 1982

MATTER OF: Staff Sergeant David K. Thomson, USAF

DIGEST: Based upon erroneous advice service member moved his household goods contrary to procedures set forth in Air Force Regulation 75-33 concerning their do-it-yourself program. Specifically, he did not receive advance approval nor did he use a trailer rented in accordance with mandatory Air Force procedures. In view thereof the payment of an incentive allowance may not be made.

This action is in response to a request from Staff Sergeant David K. Thomson, USAF, requesting further consideration of his claimed entitlement to receive an incentive payment as a result of the movement of his household goods under the Air Force do-it-yourself program, in May and June 1979.

This claim was subject of a settlement by the Claims Group of our Accounting and Financial Management Division, dated December 22, 1981, which disallowed Sergeant Thomson's claim on the basis that he was not properly authorized by the transportation officer at Langley Air Force Base, Virginia, to make such a move. We sustain that disallowance for the following reasons.

It appears that Sergeant Thomson received a permanent change-of-station assignment from Langley Air Force Base, Virginia, to Hill Air Force Base, Utah, with a reporting date of June 15, 1979. It is reported that prior to that move, Sergeant Thomson inquired of the Langley Air Force Base Transportation Management Office as to the procedures he should follow to move his household goods himself to take advantage of the available incentive payment under the Air Force do-it-yourself program.

It seems that the advice given by an employee in that office was that if he was planning to rent a trailer, he could do so, move his goods, then present the receipt for the cost of the move to the appropriate authorities at Hill Air Force Base and receive payment. After arriving

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at Hill Air Force Base, Sergeant Thomson was reimbursed \$139.44, the cost of the trailer used for moving his household goods, but was denied payment of the incentive under the do-it yourself program on the basis that the proper paperwork had not been completed at Langley Air Force Base prior to his departure.

The do-it-yourself program for the shipment of household goods by members of the Armed Forces is authorized by 37 U.S.C. 405 (1976), and section 747 of the Department of Defense Appropriation Act, 1976, Public Law 94-212, 90 Stat. 153, 176, 37 U.S.C. 406 note (1976). These provisions authorize the payment of a monetary allowance to members of the Armed Forces as an incentive to move their household goods by privately owned or rental vehicles under programs established by the Secretaries concerned. Regulations implementing this program are found in chapter 8, part H of Volume 1, Joint Travel Regulations. Paragraph M8400 of those regulations (change 305, July 1, 1978), provides:

"1. * * * If authorized in advance by the officer designated for that purpose by the Service concerned, a member will be paid an amount commensurate with 75% of what it would have cost the Government to ship the household goods actually moved by the member under this method, not to exceed his authorized weight allowance, less the cost incurred by the Government for the 'do-it-yourself' move. * * * Each of the Uniformed Services will issue such supplemental implementing regulations as are considered to be necessary to judiciously administer this Part. * * *

Air Force regulations promulgated pursuant to that authority are contained in AFR 75-33, April 12, 1978. Paragraph 2-9 of those regulations provides:

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"a. Members must use trucks or trailers ordered by TMOs or approved POVs to be eligible for an incentive.

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"d. Members who choose a mover or rental company of their choice and pay all costs direct to the rental dealer will not be paid an incentive * * *. Reimbursement in these cases is limited to actual expenses incurred * * *."

Air Force Manual 177-102 governing concerned commercial transactions at base level at paragraph 10942 restates the same limitation.

In order for a service member to qualify for an incentive payment under the do-it-yourself program the Joint Travel Regulations require approval of the move in advance by an officer designated by the Service for that purpose. The Air Force in authorized supplemental regulations has required the use of trucks or trailers rented through the service if approved privately owned trucks or trailers are not used. Sergeant Thomson received only informal approval for his do-it-yourself move and did not use a trailer rented through Air Force channels as required by departmental regulations.

Although the need for those restrictions is not apparent in relation to the facts in this case, those restrictions have been imposed and there are no provisions in the applicable regulations for approval of an exception in specific cases. It is unfortunate that Sergeant Thomson was not given correct advice prior to this travel to Hill Air Force Base. However, this fact does not permit the Department or the Comptroller General to make a payment for which the claimant did not qualify under the provisions of governing regulations. Sergeant Thomson was paid his out-of-pocket expenses, but has not qualified for the incentive payment.

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Accordingly, in view of the fact that Sergeant Thomson was not properly authorized to make the do-it-yourself move, the disallowance of his claim must be sustained.

for *Hulton J. Arnold*
Comptroller General
of the United States