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Comptroller General
of the United States

75817

Washington, D.C. 20548

Decision

Matter of: Robert H. Meyer

File: B-234451.2

Date: August 26, 1994

DIGEST

A transferred employee turned his household goods over to a common carrier within 2 years after he reported for duty at his new station and designated a specific destination for the goods. The carrier crated the goods for shipment to the destination agent's address as specified on the bill of lading issued at that time and placed the crated goods in its own storage facility pending instructions to forward them to the destination agent. After more than 2 years had expired, the employee requested that the goods be forwarded at government expense. The agency disallowed that request. On appeal, the claim may be allowed. The 2-year period for beginning allowable transportation, as used in paragraph 2-1.5a(2) of the Federal Travel Regulations is satisfied when the carrier receives the goods within 2 years for the purpose of forwarding them to a specific destination. Since the transportation of the goods to a specific destination began before the 2-year period expired, the goods may be transported to that destination at government expense.

DECISION

This decision is in response to an appeal from our Claims Group Settlement Z-2866992, Feb. 18, 1993, which disallowed the claim of Mr. Robert H. Meyer for the expenses of transporting his household goods incident to a permanent change of station in January 1988. We conclude that his household goods may be shipped at government expense, for the following reasons.

Mr. Meyer, an employee of the Social Security Administration (SSA), stationed in Tallahassee, Florida, was transferred to Honolulu, Hawaii, effective January 5, 1988. On January 26, 1988, 1,160 pounds of his household goods were picked up by Big Bend Moving and Storage Co., Tallahassee, Florida, and forwarded to Hawaii. The bill of lading for that shipment shows that Mr. Meyer was both the shipper and the consignee and that his destination agent was Islander International, 98-781 Oihana Place, Aiea, Hawaii. The shipping container bore Mr. Meyer's name, in care of Islander International at its Oihana Place address and was delivered to that destination at government expense.

On April 20, 1988, Mr. Meyer's remaining household goods (approximately 16,840 pounds) were picked up by Big Bend Moving and Storage Co., and were crated for shipment to Hawaii. According to the bill of lading for those goods, the consignee, destination agent, and destination address were the same as on the bill of lading for the January 1988 shipment. The only difference was that the carrier placed these crated goods in its own storage facility pending instructions as to when the goods were to be forwarded to Mr. Meyer's destination agent at its address in Aiea, Hawaii.

In June 1991, Mr. Meyer contacted SSA in Baltimore, Maryland, to request that shipment of his household goods to Hawaii be completed. He was informed that under the travel regulations he had 2 years following the date he reported for duty in Hawaii (January 5, 1988) to ship his household goods at government expense. Since he failed to have his goods shipped prior to the second anniversary of that date, his request was denied. On appeal, our Claims Group sustained the agency disallowance.

The regulations governing time limits for beginning travel and transportation which were in effect at the time Mr. Meyer reported for duty in Honolulu, were those contained in paragraph 2-1.5a(2) of the Federal Travel Regulations (FTR).[1] That paragraph provides in part:

> "(2) <u>Time limits for beginning travel and transportation</u>. All . . . transportation, including that for household goods allowed under these regulations, shall be accomplished as soon as possible. The maximum time for beginning allowable . . . transportation shall not exceed 2 years from the effective date of the employee's transfer . . . ."

The phrase "time for beginning allowable . . . transportation," as used in the above quoted provision and its antecedent regulatory provision,[2] has been consistently interpreted by this Office to focus on the time the common carrier's liability attaches to a shipment, namely, the time the carrier receives the goods with an order to forward them

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[1] <u>Incorp. by ref.</u>, 41 C.F.R. § 101-7.003 (1988).

[2] Section 12 of the uniform regulations of November 7, 1940, Executive Order No. 8588.

to a particular destination.[3] Also, we have held that once those goods are forwarded to the destination designated in the bill of lading, including a storage facility, unless further instructions are received regarding an additional specific destination within the 2-year period, the government's obligation is fulfilled.[4]

Under the regulations the term "destination" is not given a specific meaning. Thus, it is appropriate to give it its ordinary meaning of "a place which is set for the end of a journey or to which something is sent.[5] Also in this connection, paragraph 2-8.2d of the FTR, relating to the shipment of household goods, provides that the destination of household goods may be to the new official station or some other point or points selected by the employee. Thus, when the foregoing is considered in combination with the time limit in paragraph 2-1.5a(2) of the FTR, this indicates that so long as the employee has officially designated a specific delivery destination when he turns the goods over to the carrier and where the carrier receives the goods for that purpose prior to the second anniversary of the employee's reporting for duty at his new station, the employee has satisfied the requirement of FTR para. 2-1.5a(2) that transportation of the goods shall begin within 2 years. Thus, the cost of shipment to the designated destination will be at government expense.

In the present case, Mr. Meyer turned over the goods to the carrier within the 2-year period and designated a specific delivery destination in Hawaii. The bill of lading specified delivery to that destination and the goods were crated by the carrier for shipment to Mr. Meyer's destination agent at its address in Aiea, Hawaii. Therefore, it is our view that the transportation of Mr. Meyer's goods to Hawaii began prior to expiration of the 2-year period. Thus, his goods may be forwarded to the

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[3]20 Comp. Gen. 568, 571 (Question No. 4) (1941); Virgil G. Trice, B-181360, Jan. 22, 1975; Peter E. Donnelly, B-188292, July 8, 1977; and James E. Wallace, 61 Comp. Gen. 164, 166 (1981).

[4]Spencer T. Thomas, B-189406, Feb. 8, 1978; Helen M. Lopez, B-217987, June 21, 1985; Elizabeth A. Varrelman, 65 Comp. Gen. 392 (1986).

[5]Webster's Seventh New Collegiate Dictionary 225 (1963).

designated destination at government expense not to exceed the cost of shipping 16,840 pounds of goods.

/s/ Seymour Efros
for Robert P. Murphy
Acting General Counsel

B-234451.2

August 26, 1994

The Honorable Patsy T. Mink
House of Representatives

Dear Ms. Mink:

We refer further to your letter dated September 25, 1993. You request that we review and further determine the current eligibility of your constituent, Mr. Robert H. Meyer, 1870 Hoone Road, #822, Koloa, Kauai, Hawaii 96756, to complete shipment of his household goods from Florida to Hawaii incident to a permanent change of station.

By decision B-234451.2, dated today, copy enclosed, we have concluded that such shipment may be made at government expense, not to exceed the cost of shipping 16,840 pounds.

Sincerely yours,

/s/ Seymour Efros
for Robert P. Murphy
Acting General Counsel

Enclosure

Date: August 26, 1994

To: Director, Claims Group - OGC

From: Acting General Counsel - Robert P. Murphy

Subject: Robert H. Meyer - Household Goods Shipment
B-234451.2-O.M.

We are returning Z-2866992 in the case of Mr. Robert H. Meyer.

By decision B-234451.2, dated today, copy attached, we have concluded that Mr. Meyer is entitled to complete shipment of his household goods at government expense.

Attachments

OGC Form 500(Rev 3/92)

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