



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Linda Towson Hillard

File: B-259606

Date: June 12, 1995

DIGEST

Employee was reimbursed for a total of 180 days of temporary storage of household goods, the maximum allowable under applicable regulations, pursuant to a permanent change of station. Claims settlement disallowing an additional 74 days is sustained on appeal. Employee's claim of extenuating circumstances notwithstanding, there is no legal basis for paying storage charges in excess of 180 days. 41 C.F.R. § 302-8.2(d) (1994).

DECISION

An employee of the Veterans Administration appeals our Settlement Certificate Z-2869315, dated September 23, 1994, denying her reimbursement of \$1,200 for 74 additional days of temporary storage of household goods pursuant to a permanent change of station. There is no legal basis for paying the excess storage bill.

Ms. Hillard is employed as Staff Assistant to the Director of the Income Verification Match Center (IVM Center) with the Department of Veterans Affairs in Atlanta, Georgia. In November 1992, she was authorized relocation expenses pursuant to her permanent change of station from North Carolina to Atlanta, including 90 days' temporary storage for household goods. She was later granted a 90-day extension. Her goods remained in storage until June 31, 1993, when she moved into her new residence in Atlanta.

At the time she reported for duty in Atlanta, consideration was being given to consolidating the Atlanta and Birmingham, Alabama, offices of the IVM Center in Birmingham. According to Ms. Hillard, the IVM Center's fiscal officer advised her to refrain from purchasing a new residence in Atlanta pending the agency's decision on the final location of the IVM Center. On May 17, 1993, staff were notified of the decision to consolidate the offices in Atlanta. Ms. Hillard began seeking a new permanent residence in Atlanta at that time. On May 28, 1993, she requested a second 90-day extension period for the storage of household goods. The Director of the Veterans Health Administration's Southern Regional Office disapproved Ms. Hillard's request, stating that the maximum allowable time for storage is 180 days. Her household goods were in storage for a total

of 254 days, 74 days over the 180 days authorized.

Ms. Hillard appealed her agency's disallowance of her May 28 request to GAO, seeking reimbursement of the additional 74 days her household goods were in storage. Ms. Hillard has appealed our settlement certificate denying her claim. She alleges extenuating circumstances in that the fiscal officer advised her to hold off purchasing a home because the agency was considering moving the IVM Center to Birmingham. The agency admits it was considering that move, but states there was no intent to mislead any employee nor is there any record that the fiscal officer in Atlanta told her to hold off a house purchase.

ANALYSIS AND CONCLUSION

Under 5 U.S.C. § 5724(a)(2) (1988), a transferred employee is entitled to the expense of temporarily storing his household goods incident to his transfer. The implementing regulation at section 302-8.2(d) of the Federal Travel Regulation, 41 C.F.R. § 302-8.2(d) (1994) limits the reimbursable storage period to a maximum of 180 days, a 90-day initial period and an additional 90-day period which may be granted under certain circumstances. The regulation having been promulgated pursuant to statutory authority has the force and effect of law. Therefore, neither the General Accounting Office nor the employing agency may waive, modify, or extend the time limitations set forth therein. Richard P. Dougherty, B-242095, Jan. 28, 1991.

We have consistently held that the temporary storage period is limited to the maximum period authorized in the Federal Travel Regulation, regardless of the circumstances necessitating the additional storage time. David C. Funk, B-227488, Dec. 29, 1987. See Angelo N. Grandelli, B-226937.2, Dec. 13, 1988.

Accordingly, the denial of Ms. Hillard's claim for an additional 74 days of household goods storage must be sustained.

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