



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Karla Heerman—Expenses Arising from Employee's Death
in Official Travel Status Outside the Continental United
States

File: B-260861

Date: August 8, 1995

DIGEST

An employee while on temporary duty in American Samoa, whose permanent duty station was in Hawaii, drowned while swimming off duty. Reimbursement for expenses connected with her death are limited to those necessary to prepare the remains and to transport the body to Hawaii. Reimbursement is not authorized for other expenses related to the funeral, such as floral arrangements, pastor and choir services, chapel rental and catering in a VIP room used for an airport farewell. Likewise, the agency is not authorized to reimburse the deceased employee's parents and siblings for their travel from California to Hawaii and return to attend a funeral service in Hawaii, notwithstanding that agency officials may have led them to believe otherwise. The erroneous advice of agency officials may not serve as the basis to pay a claim not authorized by law.

DECISION

The Federal Emergency Management Agency (FEMA) requests a decision whether it may pay certain expenses in connection with the death of one of its employees, Ms. Karla Heerman, who died while on authorized travel away from her official duty station.¹

BACKGROUND

Ms. Heerman, whose official duty station and residence were located in Hawaii, was sent by her agency on temporary duty to American Samoa to review hazard mitigation projects. She died from drowning while swimming off Ofu, an outer

¹FEMA's Chief Financial Officer, Office of Financial Management, Washington, D.C., requested this decision.

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island of Samoa. She was off duty at the time. Her body was removed to the main island of Samoa, where it was embalmed and where FEMA employees arranged for a funeral service. Her body then was returned to Hawaii, where her family arranged for another funeral service, after which Ms. Heerman's remains were cremated. Her parents and two siblings flew from California to Hawaii for the service there and returned to California with Ms. Heerman's cremated remains. Ms. Heerman was single and had no dependents.

The American Samoa Disaster Recovery Office submitted requests to FEMA for payment of the following expenses incurred in Samoa in connection with Ms. Heerman's death: shipment of the body from Ofu to the main island of Samoa, embalming, a casket, transportation to Hawaii, miscellaneous expenses (including the pastor and choir), floral arrangements and catering service for the VIP room at the airport for a farewell. Other costs, which have not been billed yet, but for which FEMA apparently expects it may be billed, include the costs of building the crate to transport the casket to Hawaii, and additional floral arrangements and chapel costs for the funeral in Samoa.

FEMA states that no itemized billing has been received for expenses related to the funeral services held in Hawaii. However, FEMA also states that the Heerman family contends that FEMA regional office representatives led them to believe that their expenses would be reimbursed by FEMA, and FEMA confirms that the family acted in good faith based on that advice. FEMA notes that the Federal Travel Regulation (FTR), Part 303-2, provides authority for an agency to incur some expenses for the preparation and transportation of the remains of an employee who dies while in a travel status outside the continental United States, but several of the items claimed in Ms. Heerman's case do not appear covered by this provision. Therefore, the agency asks which, if any, of the expenses may be reimbursed. The agency is particularly concerned with whether it may reimburse the travel and lodging costs incurred by Ms. Heerman's family in traveling from California to Hawaii and return.

OPINION

The expenses FEMA is authorized to pay in this case are those provided for under 5 U.S.C. § 5742 and this statute's implementing regulations found in the FTR, Chapter 303, which are applicable when an employee dies "while performing official duties outside the continental United States or in transit thereto or therefrom," notwithstanding that the employee was "temporarily absent from duty when death occurred." 5 U.S.C. § 5742(b) and (d). The expenses authorized to be paid by the agency are the expenses of "preparing and transporting the remains to the home or official station of the employee, or such other place appropriate for interment as is determined by the head of the agency," and the return of the deceased employee's immediate family and household goods to the employee's former home if the

employee died while performing official duties outside the continental United States. 5 U.S.C. § 5742(b).

The implementing regulations specify that the allowable costs connected with the preparation of remains are (a) the costs of embalming or cremation, (b) necessary clothing, (c) casket or container suitable for shipment to place of interment, and (d) expenses necessarily incurred to comply with local laws and laws at the port of entry in the United States. FTR § 303-2.2. The allowable costs for transportation of the remains are (1) the costs of movement from place of death to a mortuary, (2) shipping permits, (3) outside case for shipment of the remains, (4) removal to common carrier, (5) transportation of the remains by the common carrier, and (6) one removal from the common carrier. FTR § 302-2.5(a). The regulations further provide that, while the remains may be transported to the employee's place of actual residence, official station, or place of interment, the reimbursable transportation cost shall not exceed the cost to the place of actual residence or official station, whichever is more distant. FTR § 302-3(b).

As they relate to this case, these provisions cover the cost of transportation of Ms. Heerman's remains from the place of death, Ofu, to the main island of Samoa and the embalming service performed there. They also cover the cost of a casket suitable for shipment of the remains and the cost of transportation of the remains to Hawaii. If it was necessary to procure a crate in which to ship the casket containing the remains, that would appear to be covered as a cost of transportation of the remains. Of course, prior to payment of the amounts claimed for these items, FEMA should insure that the amounts are reasonable in the circumstances and the claims are properly documented.

As to the other expenses incurred in Samoa, neither the statute nor the regulations authorize reimbursement for any expenses connected with funeral services for the deceased employee beyond those necessary to prepare the remains and transport the body, as discussed above. Accordingly, reimbursement is not authorized for services of the pastor and choir, floral arrangements, catering, and chapel rental.

Since the body was embalmed in Samoa, for which reimbursement is authorized as a necessary cost of preparation for shipment, the cost of cremation in Hawaii is not payable.² In addition, there is no authority to reimburse any of the travel and lodging expenses incurred by Ms. Heerman's nondependent parents and siblings. While it is unfortunate that they may have been led to believe otherwise, such advice was erroneous, and it is well established that erroneous advice provided by

²FTR § 303-2.2 authorizes payment of the cost of embalming "or" cremation, but not both, incident to preparing the remains for shipment.

an agency representative may not serve as the basis to make a payment from appropriated funds which is not authorized by law. Byron A. Hartley, B-252488, June 17, 1993; and OPM v. Richmond, 110 S. Ct. 2465 (1990).

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