



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-225276

May 6, 1987

Dear Mr. [REDACTED] :

We refer to your letter dated November 5, 1986, requesting a decision whether automobile registration related expenses incurred in connection with a permanent change of station from an overseas location are reimbursable as miscellaneous expenses when the shipment of the vehicles was not authorized.

In view of the statutes relating to our decision-making authority, we are unable to provide you with a formal decision at this time. See 31 U.S.C. §§ 3529 and 3702 (1982). However, on the basis of the information provided by you, we offer the following comments.

You point out that your return travel orders did not authorize the overseas shipment of your vehicle because the vehicle you shipped to Germany at government expense was replaced by a foreign made vehicle. Therefore, you shipped the replacement vehicle and another vehicle from Stuttgart, Germany, to Arlington, Virginia, your new official duty station, at your own expense and did not claim transportation expense reimbursement. However, it is for the various miscellaneous expenses incurred once your vehicles arrived in Arlington, Virginia, for such items as driver's licenses, vehicle inspections, registration, state sales and use taxes on the vehicles, installation of catalytic converter, and others for which you have requested reimbursement.

The framework of the law authorizing government shipment of privately owned automobiles and the implementing regulations now promulgated by the General Services Administration make clear that each agency has the authority to determine: (a) whether an automobile should be shipped at government expense at all, and (b) whether conditions permit the automobile shipped to be of foreign manufacture. Warren E. Street, B-184608, May 4, 1976. Thus, each agency has the discretion to make determinations regarding shipments of automobiles of foreign manufacture and the different

agencies in fact may have different considerations concerning the shipment of vehicles of foreign manufacture between the same points.

An employee's automobile may be returned from an overseas station incident to a transfer at government expense only if the employee's automobile was shipped at government expense to the overseas station incident to the initial transfer or is a replacement for a vehicle shipped to the overseas station. Federal Travel Regulations (FTR) para. 2-10.3b, FPMR 101-7, incorp. by ref., 41 C.F.R. 101-7.003 (1985), Joint Travel Regulations (JTR), Vol. 2, para. C11004-2a. Both of these regulations implement 5 U.S.C. § 5727(b) (1982), the statutory authority for employees to ship automobiles at government expense incident to a transfer. See Wilfredo O. Tungol, B-208695, November 30, 1982.

The miscellaneous expense allowance is authorized for the purpose of defraying various contingent costs associated with discontinuing residence at one location and establishing residence at a new location in connection with an authorized or approved change of station. See FTR, para. 2-3.1. Paragraph 2-3.1c of the FTR specifies various items which are not covered by this allowance. Miscellaneous expenses may be reimbursed to an employee with an immediate family in the amount of \$700 without support or documentation of those expenses. FTR, para. 2-3.3a, as amended, in part, by GSA Bulletin FPMR A-40 (Supp. 4, August 23, 1982). However, we have held that some allowable miscellaneous expense, as outlined in FTR para. 2-3.1b, must be incurred before a miscellaneous expense allowance may be paid. We have also held in those cases that where there is a change of residence involving movement of household effects or when the transfer is from one state to another it may be assumed that miscellaneous expenses have been incurred. Franklin G. Goss, B-200841, November 19, 1981, and cases cited therein.

Under FTR, para. 2-3.1b(6) the costs of automobile registration, driver's license, and use taxes imposed when bringing automobiles into certain jurisdictions are reimbursable costs for purposes of the miscellaneous expense allowance. However, such authority is directed to a requirement imposed by the government jurisdiction at the employee's new duty station. See William C. Rochon, B-194133, April 16, 1980. Additionally, we have held that the cost of installing a catalytic converter when necessary for a car to be admitted

to the United States is reimbursable. 62 Comp. Gen. 282 (1983).

If after reviewing the materials in chapter 2, part 3 of the FTR you feel that you have a claim, you may file a claim with the Claims Group of this Office through your agency.

We trust that this information is responsive to your inquiry.

Sincerely yours,

A handwritten signature in cursive script, reading "Herbert I. Dunn". The signature is written in dark ink and is positioned above the typed name.

Herbert I. Dunn
Senior Attorney