

DECISION



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

60472

FILE: B-169490
MATTER OF:

DATE: FEB 3 1976

Jack E. Wells - Request for reconsideration of decision

DIGEST:

1. This Office will reconsider its decision if material mistake of law or of fact is alleged or proven. Reconsideration is not possible, however, where decision recipient merely indicates general disagreement with the result reached in a decision.
2. Decisions of this Office are final and conclusive on the executive branch of the government. Thus, President has no authority to review a decision of this Office.

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This action is in response to a request for reconsideration of our decision B-169490, October 9, 1975, which sustained the disallowance by our Transportation and Claims Division of Mr. Jack E. Wells' claim for reimbursement of moving expenses incurred incident to his transfer from Okinawa to Anniston Army Depot, Alabama, when he was a civilian employee of the Department of the Army. Mr. Wells indicates disagreement with the conclusion reached in our prior decision. However, he points to no factual error and has cited no legal precedent which would indicate a mistake of law.

Mr. Wells states that by denying his claim this Office shows discrimination against civilian government employees who accept assignments abroad. While Mr. Wells' feelings are understandable, the limitations on reimbursement for moving expenses imposed by 5 U.S.C. 5724a(a)(4) (1970) must control. As we indicated in our decision of October 9, 1975, Congress understood that this statute would limit reimbursement for the moving expenses of civilian employees of the military to transfers in which both the old and new station were located in the United States or in the other territories and possessions referred to in the statute. We have held that Okinawa is not one of these territories and possessions. Accordingly, reimbursement was not possible in Mr. Wells' case.

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Mr. Wells requests that we forward his case to the President of the United States for review and action. The decisions of this Office are binding upon the executive departments and agencies of the Government and the law provides for no appeal from decisions of the Comptroller General. Thus, it would serve no useful purpose to send the claim to the President for his consideration. Furthermore, when claims such as presented here are received by the President the President's staff generally refers the matter to our Office for consideration. With regard to further appeal attention is called to the provisions of 28 U.S.C. § 1346; id. 1491, concerning matters cognizable in the district courts of the United States and in the United States Court of Claims.

While we will reconsider our decisions if a material mistake of fact or law is alleged and proven, there has been no evidence offered to show that our prior decision involved any mistake of fact, nor are legal authorities or precedents cited to support any error of law.

Accordingly, our decision of October 9, 1975, is affirmed.

E. F. NEWMAN

(Doppler)

Comptroller General
of the United States