

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

61473

FILE: **B-182013**DATE: **SEP 13 1976 98049**MATTER OF: **Joseph C. Hutchinson - Relocation expenses****DIGEST:**

Claimant requests reconsideration of B-182013, May 14, 1975, denying his claim for travel, transportation, household goods, shipment expenses, and real estate expenses incurred moving his dependents from Washington, D.C., to Monterey, California. Claimant had incurred such expenses in anticipation of orders after being warned that move was unauthorized and at his own risk. Decision is affirmed since examination of claimant's additional evidence shows no error in fact or law in prior decision.

Dr. Joseph C. Hutchinson requests reconsideration of our decision in Matter of Joseph C. Hutchinson, B-182013, May 14, 1975. Dr. Hutchinson feels that our decision did not give him equitable treatment because he was never given an opportunity to present his side of the situation and thus certain facts were not considered that should have been in making the decision.

Dr. Hutchinson states that, in his opinion, our decision was based solely on material furnished by the Fort Ord Finance Office, and he was never given an opportunity to present any facts bearing on the case other than those on specific vouchers and related forms.

Dr. Hutchinson is a Department of the Army civilian employee with Headquarters, Defense Language Institute (DLI), who was transferred from Washington, D.C., to the Presidio of Monterey, California, on or about September 9, 1974. In early 1972 the Department of the Army began making plans to relocate Headquarters, DLI, at the Presidio of Monterey, California, at some future undetermined date. Dr. Hutchinson was involved in the planning phase of this prospective move. On September 18, 1972, he wrote a memorandum to the Director, DLI, requesting that he be placed on orders "to move to Monterey as soon as possible so that my family can go ahead and make the move with appropriate funding involved with a PCS move of dependents and household goods." On September 25, 1972, the Director, DLI, prepared a memorandum to

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B-182013

the Deputy Director, DLI, directing that Dr. Hutchinson be advised that he "can move his family as soon as it is proper to do so. However, his actual transfer to Monterey will be consistent with the needs of the DLI. At the present time, I do not anticipate his actual transfer prior to June, 1973." The Director went on to say that "Under no circumstances will anyone be given a 'move date' until I have personally approved the overall plan for relocation of the headquarters." Also, on September 25, 1972, a public announcement was made that DLI was being relocated to Monterey, California. On the same day Dr. Hutchinson entered into a contract to sell his residence in Bethesda, Maryland. However, shortly thereafter the Department of the Army began to reconsider its decision, and on November 30, 1972, all personnel of Headquarters, DLI, were informed that the move had been postponed. Later in November and December 1972, Dr. Hutchinson was personally informed that Headquarters, DLI, was developing plans for relocation to Fort Monmouth, New Jersey. Furthermore, prior to his purchase of a home in California and his family's subsequent move to that location in January 1973, Dr. Hutchinson was warned that any move of his family to California would be his own responsibility and without authority from DLI or the Department of the Army. Despite this warning and with full knowledge that plans were being developed to move Headquarters, DLI, to New Jersey instead of California, Dr. Hutchinson entered into a contract on December 11, 1972, to purchase a house in California and went to settlement on his Maryland house on December 13, 1972. He moved his family into the California residence on January 10, 1973.

Dr. Hutchinson submitted a claim on June 8, 1973, for real estate expenses. The claim was forwarded to our Transportation and Claims Division (TCD) which disallowed it on the basis that there was no authority under which the expenses could be paid inasmuch as the move had been made for his own personal convenience.

Subsequently, the Department of the Army decided to implement its earlier plan and relocate the DLI to Monterey, California. In that connection a travel authorization was issued to Dr. Hutchinson on July 19, 1974, authorizing travel, relocation and real estate expenses for Dr. Hutchinson and his dependents. This authorization, however, contained the following restriction under the remarks column. "Reimbursement for any expenses incurred prior to the date of this order, in connection with movement of dependents or sale and purchase of residence, will not be made unless covered by

applicable COMP GEN decision." In September 1974 Dr. Hutchinson made the move authorized by his orders and submitted the vouchers in question covering dependent relocation expenses for the period January 7 through January 10, 1973, in addition to employee travel expenses for the period August 31 through September 9, 1974. The agency submitted the vouchers (which contain the claim for real estate expenses previously disallowed) to this Office for a determination and recommended that the dependent relocation expenses not be paid in that the move at that time was for the employee's convenience. It was Dr. Hutchinson's contention that the claim for previous dependent travel expenses, etc., should be allowed on the basis that in December 1972, just prior to the time his dependents performed the travel in question, the Director, DLI, advised him that the movement of his dependents prior to the issuance of orders would be at his own risk and expense, but that if travel orders covering this transfer were ever issued, he would be reimbursed.

In our May 14, 1975 decision we disallowed Dr. Hutchinson's claim on the grounds that there was no clear administrative intent to transfer him at the time of his move and that the travel orders subsequently issued had failed to indicate earlier dependent travel was authorized pursuant to the applicable regulations. Dr. Hutchinson, it was determined, made the relocation at his own risk after being warned that his anticipated move was unauthorized.

The decisions of this Office are subject to reconsideration if errors of fact or law are alleged and the person requesting reconsideration has identified the errors on which the request is based. See B-160778, February 5, 1971. In the instant case Dr. Hutchinson has submitted with his request a memorandum citing facts he believes were not considered in our decision and copies of supporting documents. Our examination of the additional information, however, does not reveal any error of fact or law that would justify a reversal of our prior decision.

The main thrust of Dr. Hutchinson's present statements is to cast doubt about the propriety of various administrative actions, including the restrictive condition on his travel order, cited above. Such impropriety could only be established by adversary hearings. In this connection our Office is not vested with authority to hold adversary hearings for the purpose of obtaining sworn testimony and, therefore, decisions of the Comptroller

B-182013

General must be made upon the evidence in the written record. See 53 Comp. Gen. 824, 828 (1974). The record was open for the submission of any additional information during the consideration of the case. Vouchers and accompanying documents were submitted to the Certifying Officer by Dr. Hutchinson with his claim. We have examined the evidence now presented with the request for reconsideration and it does not show an error in law or fact in the original decision.

In view of the above we must adhere to our decision of May 14, 1975, sustaining the disallowance of Dr. Hutchinson's claim.

[Deputy] R.F. KELLER  
Comptroller General  
of the United States