

DIGEST - L. Mil



**DECISION**

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

1200

FILE: B-183371

DATE: MAR 30 1976

MATTER OF: Dr.

**DIGEST:** Public Health Service officer had his household goods placed in storage with no designated destination shortly before expiration of one-year period following his release from active duty. The goods remained in storage for 1 year and 8 months before being transported to destination, which was 2 years and 8 months after his release from active duty. Since goods were not turned over "for shipment" within one-year period prescribed by 1 JTR para. M8259-7, there is no authority for Government to pay the storage and transportation charges.

This action is in response to a letter dated March 4, 1975, with enclosures, from the Budget and Accounting Officer, Certifying Officer, United States Public Health Service Hospital, Galveston, Texas, requesting an advance decision in regard to a claim by Dr. , SSAN , a former commissioned officer in the Public Health Service, for reimbursement of personal expenses he incurred in moving his household goods from storage to his residence.

The record indicates that by Public Health Service Personnel Order No. 64, Par. 4, dated March 31, 1972, Dr. was relieved from his assignment at the Public Health Service Hospital, Galveston, Texas, on April 16, 1972. He was authorized travel to his home of record, Brooklyn, New York, and was relieved from active duty with the Public Health Service on April 21, 1972.

On April 10, 1973, a Government Bill of Lading (No. D-5257757) was issued to American Mayflower, Rogers Transfer & Storage for the household goods of Dr. The shipping point shown on the Bill of Lading was Galveston, Texas. Consignee was shown as " ."  
." No entry was made in the block entitled "Destination."  
The block "Marks" contained the following:

"For: SR Surg (R)(T) (0-5) SIT in transit NTE 90 days at Origin or destination. Additional storage to be paid for by consignee."

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The submission indicates that the household goods were picked up by the carrier at Government expense on April 17, 1973, and placed in temporary storage in Galveston, Texas. The household goods remained in storage for a period of over 1 year and 8 months, until December 31, 1974, when they were picked up by American Transfer & Storage Company and delivered to Dr. at Lake Jackson, Texas. Dr. paid the carrier \$242.50 for this transaction and subsequently submitted a claim to the Public Health Service for reimbursement apparently on the basis that the shipment of his household goods from storage to his home at Lake Jackson was incident to his relief from active duty in the Public Health Service.

By letter dated February 6, 1975, from L. A. Talbot, Staff Assistant, Commissioned Personnel Operations, Public Health Service, Dr. was advised in effect, that under applicable provisions of the Joint Travel Regulations, he is not entitled to reimbursement of packing, crating, drayage or storage of his household goods since his goods were not turned over to a transportation officer or a carrier for shipment within one year following his relief from active duty. He was further advised that placing the goods into the hands of a transportation officer or carrier for storage for a period of time is not a shipment.

In submitting the matter to this Office for decision the Certifying Officer indicates that the application of the one-year time limitation in this case is not clear to him since there appears to be some question as to whether the date of first handling of the household goods by the Government (April 17, 1973) applies, or the date of final disposition (December 31, 1974).

Commissioned officers of the Public Health Service are considered to be members of the uniformed services (37 U.S.C. 101(3) (1970)) and the rules applicable to transportation of household goods of members of the uniformed services are applicable to them.

The statutory authority for the transportation of household effects of members of the uniformed services at public expense is found in 37 U.S.C. 406(b) and (c) (1970) in which it is provided that in connection with a change of temporary or permanent station, a member is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement thereof, subject to such conditions and

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limitations prescribed by the Secretaries concerned. Regulations promulgated pursuant to that authority are contained in Volume 1, Joint Travel Regulations (1 JTR).

Paragraph M8259-1, 1 JTR (change 215, December 1, 1970), in effect at the time of Dr. [redacted] release from active duty, provided that a member on active duty who is separated from the service or relieved from active duty for any reason other than certain conditions not here pertinent is entitled to shipment of household goods to the place elected by the member for his travel allowances. If shipment is to a destination other than where he elected to receive travel allowances the cost to the Government shall not exceed what it would have cost to ship the goods to the place elected by the member.

Paragraph M8259-7, 1 JTR (change 233, July 1, 1972), entitled "Time limitation" provides:

"Entitlement to shipment under this paragraph will terminate in any case where household goods are not turned over to a transportation officer or to a carrier for shipment within 1 year following separation from the Service or relief from active duty." (Emphasis added.)

Paragraph M8100-1, 1 JTR (change 209, June 1, 1970), states, in part, that temporary storage is storage authorized in connection with a shipment of permanent change of station weight allowance of household goods. Entitlement to temporary storage of household goods not already under Government control will commence on the date the household goods are released to a carrier, contractor or the Government "for shipment." That paragraph further provides that except under certain specified conditions not applicable in this case, the member will bear all costs of temporary storage when household goods placed therein pursuant to permanent change of station orders are not shipped under such orders.

It is to be noted that the Bill of Lading under which Dr. [redacted] household goods were placed in temporary storage provided only for temporary storage. There was no destination indicated on the document.

As provided in paragraph M8100-1, 1 JTR, temporary storage, by itself, is not authorized, it must be utilized in connection with a shipment of the household goods involved. See 32 Comp.

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Gen. 410, 413 (1953), where, in discussing the authority for temporary storage of household effects, we stated that the regulations—

"\* \* \* must be interpreted as authorizing temporary storage of household effects at public expense only when necessary in conjunction with one or more of the several stages of transportation set out in said regulations, such necessity to be certified to by properly designated authority having knowledge of the facts and circumstances beyond the control of the owner of the effects under which they were stored which circumstances, inter alia, would not include a mere request by an owner, that his effects be placed in storage pending such future disposition as he may desire. \* \* \*"

See also 43 Comp. Gen. 823, 825 (1964), to the same effect.

In 20 Comp. Gen. 568 (1941), in a matter involving the time limitation for shipment of household goods of a civilian employee of the Government, we stated (page 571):

"\* \* \* [I]t is believed proper to compute the beginning of the six-months' period from the time common carrier's liability attaches to the shipment, namely, the time the carrier receives the goods with an order to forward them to a particular destination."

Thus the mere movement of the household effects from a residence to a point of local storage is not the beginning of shipment. On the contrary, the shipment begins when the goods actually are turned over to the carrier with an order to deliver them to a designated location. B-171567, February 2, 1971.

Thus the pick up of Dr. [redacted] goods on April 17, 1973 (4 days less than a year from the date of his release from active duty), for delivery into temporary storage without a designated destination cannot be considered as turning the goods over for "shipment." When the household goods were removed from storage and transported to Lake Jackson on December 31, 1974, they had been in storage for

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approximately 1 year and 8 months, and it had been 2 years and 8 months since Dr. [redacted] was released from active duty. Inasmuch as the regulations require that shipments, such as involved here, to be at Government expense or reimbursement thereof must be turned over to the carrier or transportation officer within one year of release from active duty, and here the goods were turned over for shipment long after the expiration of the limitation there is no authority for the movement of the goods at that time from storage to place of residence at Government expense. Accordingly, payment may not be made on the voucher submitted by the Certifying Officer.

We have been informally advised that the Government has paid for 90 days' temporary storage, as well as certain charges in connection with the movement of Dr. [redacted] goods into temporary storage. Since, as is stated above, the placing of the goods into storage was not incident to "shipment" effected within the one-year period, payment by the Government of the storage and related charges was unauthorized. See 33 Comp. Gen. 470, 474 (1954) (answer to fourth question). Accordingly Dr. [redacted] is indebted to the Government for the amounts it expended in connection with the temporary storage of his household goods and action should be taken to recover such amounts.

R. F. Keller

Deputy Comptroller General  
of the United States