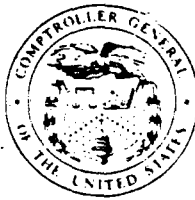


DECISION



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

5094

FILE: B-183408

DATE: SEP 4 1975 97555

MATTER OF:

Monika Weaver Ogburn - Claim for shipment of a
foreign-made vehicle

DIGEST:

Civilian employee of the Department of the Army may not ship a foreign-made car purchased overseas to the United States at Government expense unless said car qualifies under one of the exceptions to the general rule prohibiting shipment of foreign-made cars found at 2 JTR C7153-2. The exception for replacement vehicles does not apply because no evidence was furnished that Secretary of Army or his designee had made the required determination and authorized the shipment.

This action is in response to the claim of Mrs. Monika Weaver Ogburn for reimbursement of the cost of shipping a foreign-made, privately owned vehicle (POV) from Germany to the United States. The claim, previously disallowed by the Department of the Army, was filed by Mrs. Ogburn on behalf of herself and Mr. Ogburn.

The record shows that Aaron Wayne Ogburn and Monika Weaver Ogburn were civilian employees of the Department of the Army working in Heidelberg, Germany. During their tour of duty the Ogburns purchased a 1973 Peugeot. It is to recover the cost for return shipment of this vehicle that the claim was placed. The claim was denied by the Department of the Army under the provisions of 2 JTR C7153-2 which, with limited exceptions, prohibits the shipment of foreign-made vehicles at Government expense. Mrs. Ogburn contends that since Mr. Ogburn shipped a foreign-made vehicle to Germany, alleged to have been a Fiat 124 Spider, he is eligible for return shipment of a foreign-made vehicle.

The Federal Travel Regulations, FPMR 101-7, para. 2-10.3b and the Joint Travel Regulations at 2 JTR C7153-3 provide for return shipment of the vehicle originally shipped to the overseas duty station. These provisions apply whether the vehicle in question is of foreign or domestic manufacture. However, the cost of shipment being claimed by Mrs. Ogburn is for a vehicle purchased overseas, and such a vehicle does not come within the coverage of paragraphs 2-10.3b and C7153-3. In order for the

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Ogburns' 1973 Peugeot to be eligible for shipment at Government expense, it must fall within one of the exceptions to 2 JTR C7153-2. The only exception that would appear applicable to the Ogburns' case is found at 2 JTR C7153-2.9 which provides that the prohibition against the shipment of foreign-made vehicles does not apply to the following:

"* * * a foreign-made vehicle purchases overseas as a replacement for a vehicle shipped at Government expense when the Secretary of the Service concerned or his designated representative determines in advance of such shipment that the replacement was the result of loss of the original vehicle through fire, theft, accident, or similar causes, beyond the control of the employee, and authorizes the shipment based on his determination." (Emphasis added.)

There is nothing in the record before us to indicate that the Secretary of the Army or his designated representative made the required determination concerning the replacement and authorized the shipment based on such determination.

Accordingly, the claim of Mrs. Ogburn is denied as the vehicle was of foreign manufacture and did not meet the criteria for shipment set forth in the regulations.

R.F. KELLEN

Deputy Comptroller General
of the United States