

DECISION

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

FILE: B-183951

DATE: FEB 9 1976

MATTER OF: Sherman A. Lynch - Payments to immediate family for packing household goods

DIGEST: Incident to transfer, employee paid two daughters to pack household goods at former duty station and to unpack goods at new duty station. Reimbursement for such payments is denied since reimbursement for amounts paid to employee's immediate family is not contemplated by applicable law or regulations. Furthermore, this Office has held that employee may not be reimbursed for his own labor, and same principle is applicable to members of employee's immediate family.

This decision is made at the request of Mr. Robert Caswell, an authorized certifying officer of the Bureau of Indian Affairs (BIA), Department of Interior, by an undated letter received by us on May 15, 1975. Mr. Caswell requested our decision as to whether he may certify for payment the voucher of Sherman A. Lynch, Jr., an employee of BIA, for reimbursement of amounts paid by him for packing his household goods incident to his transfer within Alaska from Mekoryuk to Alakanuk during 1974.

Because of the remote location of his old and new duty stations and the lack of suitable labor at either station, Mr. Lynch's two daughters performed the packing and unpacking of household goods. At the old station, his daughter Margaret, did the work, assisted by a native woman, Bertha Andrew. Mr. Lynch paid his daughter \$120 and the native woman \$124 for their services. At the new station, his daughter Nancy Ann performed the whole job of unpacking for which she was paid \$240. Mr. Lynch explained that in both instances he and his wife were involved in duties at school and were unable to do the packing and unpacking themselves.

Because of doubts about reimbursing the payments made by the employee to his immediate family, the certifying officer has submitted the entire reclaim voucher of \$484 to us. With respect to the payment of \$124 to Bertha Andrew, however, he states his belief that her hire was proper and should be reimbursed. Based on that statement, we find the \$124 paid to Bertha Andrew to be allowable.

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The sole remaining issue before us is whether a civilian employee may be reimbursed for payments made to members of his immediate family for packing and unpacking household goods incident to a transfer.

Since Mr. Lynch's household goods were transported between points outside of the conterminous United States, transportation was on an actual expense basis as required by Federal Travel Regulations para. 2-8.4 (FPMR 101-7) (May 1973). Subsection c(1) of that paragraph states that reimbursement for actual expense includes the:

"* * * costs of transportation of household goods, packing and crating (including packing and crating materials and temporary containers), unpacking, and other necessary accessorial charges within applicable limits."

The authority for the above regulation is 5 U. S. C. § 5724(a)(2) (1970).

Under the above statute and regulation, an employee authorized transportation of his household goods on an actual expense basis may be reimbursed for amounts actually expended in obtaining any of the above enumerated services. Both the statute and the regulations are silent as to whether amounts paid for such services to members of the employee's immediate family would qualify for reimbursement. Furthermore, we are unaware of any previous decisions of this Office on point with respect to civilian employees of the United States.

However, with respect to military personnel, we have denied reimbursement to members of the Armed Services for payments made to their spouses or children for performing otherwise reimbursable services incident to a change of station. See B-175890, September 26, 1973; 52 Comp. Gen. 936 (1973); and B-159003, May 31, 1966.

The relevant statute pertaining to military personnel, section 406(b), of title 37, United States Code, provides that, in connection with a change of station, a member is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement

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therefor, within such weight allowances prescribed by the Secretaries concerned. Chapter 8, Volume 1 of the Joint Travel Regulations, which implements section 406(b), is also silent regarding the question of reimbursement to a member's spouse or children for performing otherwise reimbursable services.

Since the language of 5 U. S. C. § 5724(a)(2) authorizing shipment of household goods for civilian employees is almost the same as the language of 37 U. S. C. § 406(b) for military members, we believe the decisions cited above with respect to military members should be followed for civilian employees. The Federal Travel Regulations implementing the statutory provisions for civilian employees do not expressly authorize payments to immediate family members, and we do not believe that reimbursement to an employee for such payments is contemplated by either the statute or the regulations.

Furthermore, the actual expense method requires as a basic tenet that, in order to be entitled to reimbursement, an employee must incur an actual out-of-pocket expense. In this connection, we have held that an employee could not be reimbursed for his own labor in moving his household goods from his residence to a place of temporary storage when no expenses were incurred by him therefor. See B-174804, February 14, 1972. We believe that the above rule should also be applicable to services rendered by members of an employee's immediate family since such services are for the benefit of the family and any payment therefor may be considered gratuitous.

Accordingly, although we recognize the difficulties Mr. Lynch faced in obtaining help in packing and unpacking his household goods, we conclude that he is not entitled to reimbursement for payments made to his daughters. We agree with Mr. Caswell that the payment to Bertha Andrew may be reimbursed.

The voucher is returned for processing in accordance with the above.

R. F. KELLER

Deputy Comptroller General
of the United States