

DECISION



DIGEST - L - *Not*
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

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FILE: B-184023

DATE: JUL 2 1975

MATTER OF: Expenses incident to permanent change of
station - , FTMI, USN

DIGEST: 1. Member on permanent change of station within continental U.S. who performs relocation at personal expense is not entitled to reimbursement for rental of tow bar used to transport privately owned motor vehicle by towing behind rental truck since automobile is not a household good as defined in Volume 1, and there is no authority for reimbursement of expenses of transportation of privately owned motor vehicle in such circumstances.

2. Member on permanent change of station from California to New Mexico who performs relocation at personal expense is not entitled to reimbursement for babysitting and for gasoline for return trip to California to get dependents, in absence of authority for such reimbursement, such expenses being in nature of miscellaneous costs for which a dislocation allowance was paid to the member.

This action is in response to letter dated February 24, 1975, from Surface Missile Fire Control Technician First Class (E-6), , United States Navy, , in which Petty Officer appeals a partial disallowance by the General Accounting Office, Transportation and Claims Division, of his claim for reimbursement of travel and transportation expenses incurred in connection with a permanent change of station from the U.S.S. Chicago at San Diego, California, to White Sands Missile Range, New Mexico.

The record shows that in April 1974, Petty Officer requested a humanitarian reassignment from sea duty to shore duty. On May 14, 1974, he was informally advised by the Bureau of Naval Personnel that his request had been granted and he would be transferred to White Sands Missile Range (WSMR), New Mexico. Travel Order No. STO 121-74, dated May 16, 1974, directed the member's permanent change of station from sea duty aboard the U.S.S. Chicago, at San Diego, to shore duty at WSMR.

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The member had previously been advised that he would have to be responsible for the expenses of a humanitarian reassignment. To accomplish the transfer, Petty Officer _____ rented a truck and a tow bar for the purpose of towing his privately owned motor vehicle and moved 7,686 pounds of household goods and his automobile to the new duty station, at personal expense during the period from May 20-25, 1974. His children were left in California with relatives who were paid for babysitting until the member was able to return by car and get them.

The record shows that after his arrival at WSMR Petty Officer _____ was advised at the local disbursing office that his travel order was a cost-type order for permanent change of station rather than a permissive order for humanitarian reassignment. The order also reflected that he was in pay grade E-5; however, the record now discloses that he was promoted to pay grade E-6 effective May 16, 1974.

The member submitted a claim for expenses in connection with his permanent change of station. The Navy Regional Finance Center, Washington, D.C., paid the member \$197.48 and forwarded the administratively disapproved balance of the claim to the General Accounting Office, Transportation and Claims Division, for consideration.

The settlement dated February 3, 1975, allowed an additional \$183.45 (\$382.93-\$197.48) for transportation of household goods, including truck rental, gasoline, packing materials and pads, tax and additional mileage charges. However, although the shipment weighed 7,686 pounds reimbursement was based on 7,000 pounds, the maximum permissible weight for a member in pay grade E-5. Claims for tow bar rental (\$24), babysitting (\$60), and gasoline for the return trip to California to pick up the children (\$25) were disallowed.

In his letter of February 24, 1975, Petty Officer _____ protested the denial of reimbursement for transportation of the additional 686 pounds of household goods on the basis that he was in pay grade E-6 at the time of his transfer and therefore was entitled to a higher maximum permissible weight allowance. Upon confirmation of the member's promotion to pay grade E-6, a second settlement was issued on May 13, 1975, allowing payment in the amount of \$37.53 for the additional 686 pounds of goods.

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Accordingly, Petty Officer has been paid the full amount of his claim for reimbursement of expenses of transportation incident to his permanent change of station with the exception of claims for tow bar rental, babysitting and gasoline for the return trip to California.

The authority for transportation at Government expense of dependents and household goods of a member of a uniformed service upon a permanent change of station is provided for in 37 U.S.C. § 406 (1970) which delegates to the Secretaries concerned the authority to prescribe the conditions and limitations in connection therewith. Paragraph M8500 of Volume I of the Joint Travel Regulations promulgated pursuant thereto, provides authority for reimbursement to a member of a uniformed service for shipment of household goods at personal expense not to exceed the cost to the Government had the shipment been made by a transportation or shipping officer. The amounts already reimbursed by action of the Navy and of our Transportation and Claims Division do not appear excessive and are reasonably substantiated under the circumstances here present.

While the statute does not define household goods, the implementing regulation, paragraph M8000-2, Volume 1 of the Joint Travel Regulations, change 232, June 1, 1972 (now contained in Appendix J thereto) defines the term as including furniture and furnishings, clothing, baggage, and effects of a similar character, and specifically excludes privately owned motor vehicles from this definition. These regulations, promulgated pursuant to statutory authority, have the force and effect of law and we may make no exceptions to such provisions in the settlement of claims by our Office. We must conclude, therefore, that there is no authority under 37 U.S.C. § 406 for reimbursement of the expense of transportation of a privately owned motor vehicle in Petty Officer Chadwick's circumstances. See 44 Comp. Gen. 65 (1964); 52 Comp. Gen. 479 (1973). Since the rental fee paid by the member for a tow bar with which to tow his privately owned automobile is an expense incurred in the transportation of that vehicle, reimbursement therefor must be denied.

That portion of the statute pertaining to the transportation of dependents provides that a member ordered to make a permanent change of station is entitled to transportation in kind for his dependents, to reimbursement therefor, or for a monetary allowance in lieu of transportation (MALT), subject to the limitations and conditions prescribed by the Secretaries concerned (37 U.S.C. § 406(a)(1)(1970)). Paragraph M7003 of the regulations, provides a MALT for dependents.

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A dislocation allowance is authorized under 37 U.S.C. § 407 (1970) for a member with dependents whose dependents make an authorized move in connection with his permanent change of station. The purpose of this allowance is to partially reimburse the member for expenses incurred in relocating his household (paragraph M9000, Volume 1, Joint Travel Regulations). These include expenses not otherwise reimbursable.

The record indicates that Petty Officer was paid a HALT for dependent travel from San Diego to WSMR on DD Voucher No. G 3410, dated June 20, 1974, and also was paid a dislocation allowance. Petty Officer claim for reimbursement for babysitting and return-trip gasoline is for expenses for which reimbursement is not provided by the controlling statutes and regulations; they appear to be in the nature of miscellaneous costs incident to a permanent change of station, for which a dislocation allowance is provided.

In view of the foregoing, we must sustain the action of our Transportation and Claims Division in denying these elements of Petty Officer claim.

Comptroller General
of the United States