

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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FILE: B-186377

DATE: SEP 1 1976

MATTER OF: Sergeant, USAF

DIGEST: Where member had household goods packed and placed in storage 1-1/2 months prior to issuance of separation orders and does not have official statement required by 1 JTR, paragraph M8017 that he was advised in advance that such orders would be forthcoming, his claim for the expense of such storage and transportation charges may not be allowed.

This action is in response to a letter dated March 16, 1976 (reference ACF), from Captain J. R. Williams, USAF, Accounting and Finance Officer, Lackland Air Force Base, Texas 78236, requesting an advance decision as to the propriety of making payment on a voucher in the amount of \$472.53 representing expenses incident to storage and moving of household goods incurred prior to issuance of separation orders in the case of Sergeant, USAF. The request has been assigned Control No. 76-11 by the Per Diem, Travel and Transportation Allowance Committee, and forwarded to this Office by the Committee's first endorsement dated April 22, 1976.

The submission indicates that on October 27, 1975, Sergeant then stationed at Lackland Air Force Base, personally arranged for 4,700 pounds of his household goods to be packed and placed in storage at San Antonio, Texas. It is indicated that Sergeant took this action in order to facilitate the sale of his home prior to separation from the service which was to take place on February 3, 1976. Apparently pursuant to Sergeant instructions, on December 18, 1975, the household goods were removed from storage and transported to Hewitt, Texas, where they arrived on December 20, 1975. The total cost for storage and moving came to \$754.83.

Meanwhile, it was not until December 12, 1975, that Sergeant separation orders were issued. His claim for storage and moving costs, submitted to the Lackland Air Force Base, Accounting and Finance Office, on December 22, 1975, was allowed to the extent of \$282.30, representing

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\$277.30 for what it would have cost the Government for line haul charges to transport the member's household goods to his home of record, Austin, Texas, plus \$3 for appliance service at the destination. The submission states:

"* * * The remainder of the claim was disallowed because separation orders were not issued until 12 Dec 73, and claim was not supported by a statement as required by JTR, para M8017."

Volume 1 of the Joint Travel Regulations (1 JTR), issued pursuant to 37 U.S.C. 406 (1970), states in pertinent part at paragraph M8017 (change 250, December 1, 1973):

"Transportation of household goods at Government expense prior to the issuance of permanent change-of-station orders is authorized provided the request for such shipment is supported by:

- "1. a statement from the permanent change-of-station order-issuing authority, or his designated representative, that the member was advised prior to the issuance of such orders that they would be issued * * *"

In view of the above-cited regulation and facts the Accounting and Finance Officer indicates doubt exists as to the legality of payment of the member's claim submitted without the supporting statement required by paragraph M8017, *supra*, for transportation and storage expenses incurred about 1-1/2 months prior to the issuance of his separation orders.

Under the provisions of 37 U.S.C. 406(b), a member of the uniformed services who is ordered to make a change of temporary or permanent station is entitled to transportation (including packing, crating, drayage, temporary storage, and unpacking) of baggage and household effects, or reimbursement therefor. The entitlements authorized by the above subsection are subject under 37 U.S.C. 406(c) to regulations prescribed by the Secretaries concerned.

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In line with the statutory provisions, the cited regulations authorize payment for costs incurred in moving baggage and household goods only in those circumstances in which travel is in fact incident to the member's ordered change of station, or in certain circumstances, within a brief period immediately prior to the issuance of the change-of-station orders where the member has been officially advised that such orders will be issued. 52 Comp. Gen. 769 (1973). Furthermore, payment of such expenses as crating, packing, and storage is authorized only when such storage is incident to duly authorized transportation, not at the "mere request by an owner, that his effects be placed in storage pending such future disposition as he may desire." 32 Comp. Gen. 410, at 413-414 (1953). See also B-183371, March 30, 1976. Thus, the authorization for payment of temporary storage costs is contingent upon authorization for the transportation costs, which in turn depends upon the issuance of the member's separation orders, or his receipt of official notice thereof, as required by 1 JTR, paragraph M8017.

As we observed in 52 Comp. Gen. 769, supra, at 770-771:

"* * * [W]e have repeatedly and consistently held that this provision contemplates the relatively short period between the time when a determination is made to order a member to make a change of permanent station and the date on which the orders are actually issued. General information as to the time of eventual release from active duty has consistently been held to be insufficient to meet the requirements of the regulations. See 34 Comp. Gen. 241 (1954); B-160968, April 14, 1967; B-169612, June 29, 1970."

The record of the instant case does not show that Sergeant had more than general information as to the time of his eventual release from active duty when he had his goods packed and placed in storage, which was about 1-1/2 months before his separation orders were issued and over 3 months before he was separated.

Under these circumstances without the requisite official statement as required by the regulations that he had been advised that his separation orders were forthcoming, we may not authorize payment of the member's claim for packing, transportation and

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storage expenses incurred prior to December 12, 1975, the date separation orders were issued. Accordingly, the voucher will be retained here.

R.F.KELLER
Acting Comptroller General
of the United States