

RELEASED

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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IN REPLY
REFER TO: B-191897 (HID)

OFFICE OF GENERAL COUNSEL

November 2, 1978

Mr. Joseph Ritter
Certifying Officer
Office of Financial
Management Services
Department of Commerce

Dear Mr. Ritter:

We refer to your letter dated May 8, 1978, with enclosures, requesting a decision as to whether the Military Personnel and Civilian Employees' Claims Act of 1964, as amended, 31 U.S.C. § 241(b)(1), would permit reimbursement to be made to Mr. [REDACTED] an employee, for expenses incurred for the purchase of work clothes necessitated because of excessive delay in the arrival of his own clothes at his temporary duty station.

Section 3(a) of the Military Personnel and Civilian Employees' Claims Act of 1964, supra, authorizes the head of each agency or his designee to pay claims up to \$15,000 for damages to, or loss of, personal property incident to the employee's service. In addition, 31 U.S.C. § 242 states:

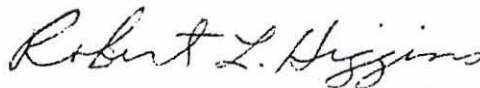
"Notwithstanding any other provision of law, the settlement of a claim under sections 240 to 243 is final and conclusive."

With respect to whether the claimed loss was incurred incident to the employee's service, a review of the legislative history of Pub. L. No. 88-558, as amended, fails to reveal a specific reference to the types of claims contemplated by the legislation. B-169236, April 21, 1970. It would appear, however, that where an employee is traveling to a temporary duty assignment and travel is performed at Government expense, any loss of personal property occurring as a result of such travel, without negligence on the part of the employee, properly might be considered as being a loss incurred incidental to his service. Cf. B-180161, January 8, 1974.

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In view of the above statutory provisions, it is not within the jurisdiction of our Office to consider claims for damage to, or loss of, the personal property of employees of the Department of Commerce. In the absence of any overall policies prescribed by the President pursuant to 31 U.S.C. § 241(b)(1), such claims are for consideration and final settlement under the regulations of the employing agency. The instant claim is thus to be considered by the Secretary of Commerce, or his designee, in accordance with the above-stated statutes and the appropriate regulations. B-169236, supra.

Sincerely yours,



Robert L. Higgins
Assistant General Counsel