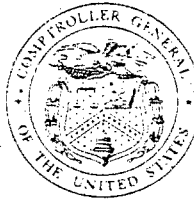


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**DECISION**



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

FILE: B-195922

DATE: July 8, 1980

MATTER OF:

*Claim for Reimbursement of Expenses For*

Mr. Ronald K. Brison - House-hunting trip and temporary quarters

DIGEST:

1. Employee who proceeded on house-hunting trip without travel orders on basis of erroneous advice that travel orders would authorize house-hunting trip may not be reimbursed for house-hunting trip expenses. Errors in omission of authorization from travel orders which can be retroactively corrected are those which relate to failure to follow specific intent of authorizing officials. Since travel orders do not reflect this type of error, employee may not be reimbursed expense of house-hunting trip taken without written or verbal authority from appropriate official.
2. Although employee and wife who undertook house-hunting trip without authorization may not be reimbursed house-hunting expenses, meals and lodging costs may be reimbursed as temporary quarters subsistence expenses. Travel to new station 5 days prior to reporting, although for house-hunting purposes, may be viewed as travel to effect permanent change of station. Entitlement to temporary quarters allowance begins as of that date rather than as of reporting date since, in interim, employee returned to old station only briefly to arrange for shipment of household goods.

Mr. Ronald K. Brison, an employee of the Department of Health, Education, and Welfare appeals the Claims Division's denial of his claim for reimbursement of expenses for a house-hunting trip incurred incident to a change of duty station. Since the record is devoid of evidence that the appropriate official authorized the house-hunting trip, we affirm the decision of the

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Claims Division but find that certain of the expenses claimed may be reimbursed as part of the temporary quarters subsistence expenses allowance.

In August 1978, the claimant requested authorization for a house-hunting trip and 30-day temporary quarters incident to a change of duty station from Bluefield, West Virginia, to Towson, Maryland, effective on September 24, 1978. In light of the impending change of duty station, Mr. Brison requested leave for a house-hunting trip from September 19 to September 21, 1979. At the time of departure claimant's travel orders were in transmission. Although Mr. Brison attempted to verify that he had been authorized a house-hunting trip, he was unable to contact regional officials and, on the advice of his assistant manager, proceeded according to his plans in spite of the lack of travel orders. The record indicates claimant acted in the good faith belief that the house-hunting trip would be authorized.

The claimant and his wife departed their residence in Bluefield on September 19, 1978, and arrived in Baltimore, Maryland, the following day. The record indicates that Mrs. Brison remained in the Baltimore area, while the employee returned to Bluefield on September 22, 1978, to arrange for the transportation of their household goods. On that date, the claimant's travel orders arrived without authorization for the house-hunting trip. Mr. Brison returned to Baltimore the following day and reported for duty on September 24, 1978.

Because the assistant manager did not have authority to authorize a house-hunting trip and because such authorization was not contained in his travel orders, Mr. Brison's claim was disallowed by his agency and by our Claims Division. In appealing those disallowances, Mr. Brison claims that the delay in transmission of travel orders concomitant with misinformation by his assistant manager is an administrative error which may be corrected by retroactive amendment of the travel orders to authorize a house-hunting trip.

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The statutory authority for payment of house-hunting trip expenses is 5 U.S.C. § 5724a(a)2 (1970). The implementing regulations contained in Part 2-4 of the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973) provide in pertinent part:

"c. Authorization prior to trip. The trip for finding residence quarters shall not be made at Government expense unless a permanent change of station travel order has been issued which includes authorization for the round trip and \* \* \* indicates the employee has signed the required agreement. \* \* \*"

Since the record indicates that the assistant manager did not have authority to authorize a house-hunting trip, payment of Mr. Brison's claim cannot be predicated on his assurance that such expenses would be reimbursed. We have consistently held that receipt by one dealing with a Government official of erroneous information, which was relied upon by the recipient to his detriment, does not afford a legal basis for a payment from appropriated funds. It is well established that in the absence of specific statutory authority, the United States is not liable for the negligent or erroneous act of its officers, agents, or employees, even though committed in the performance of their official duties. 53 Comp. Gen. 834, 835 (1973).

Notwithstanding the foregoing regulation, in the absence of prior written authority we have allowed payment of house-hunting expenses where the employee was verbally authorized by a responsible official of the agency with competent authority before the trip was made and the manner of the travel was in the best interest of the agency. However, in the absence of authorization prior to performance of the trip by an official vested with authority to grant such authorization we have held that house-hunting trip expenses may not be reimbursed. Ms. Georgie M. Bond, B-192440, September 29, 1978, and August 8, 1979. The only administrative errors in omissions of authorization from travel orders which may be retroactively corrected are those which relate to a

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failure to follow the specific intent of the authorizing official to grant prior authorization of a house-hunting trip. Collin R. Galloway, B-188350, June 3, 1977.

Based on the record there is no evidence indicating that the assistant manager was vested with authority to authorize travel expenses nor did claimant have prior verbal authorization by a responsible official with competent authority. For these reasons and because the travel orders issued reflect the intent of the responsible official to deny authorization of a house-hunting trip there is no basis upon which to amend claimant's travel orders. Accordingly, we must sustain the decision of the Claims Division denying Mr. Brison's claim for house-hunting trip expenses.

Although the expenses claimed by Mr. Brison may not be reimbursed as house-hunting trip expenses, the cost of meals and lodgings for the period from September 19 to 23, 1978, may be reimbursed as part of the temporary quarters subsistence expenses allowance.

Mr. Brison's voucher indicates that he claimed temporary quarters subsistence expenses for a period of 16 days, from September 24 to October 3, 1978, although he was authorized a temporary quarters allowance for up to 30 days. We believe the record in Mr. Brison's case reasonably supports the finding that he vacated his permanent residence in Bluefield on September 19, 1978, so as to permit payment of the temporary quarters allowance after that date rather than on September 24, 1978. As noted above, Mrs. Brison traveled with her husband to Baltimore on September 19, 1978. Although Mr. Brison returned to Bluefield on September 22, 1978, to arrange for transportation of his household goods, his wife did not accompany him.

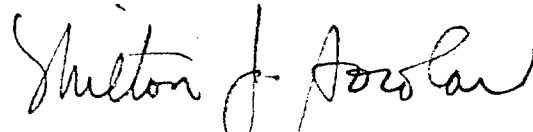
In B-166415, April 15, 1969, we held that an employee who traveled to his new duty station in advance of his reporting date for house-hunting purposes, knowing that he would be unable to return to his old duty station before the reporting date specified, was entitled to temporary quarters subsistence expenses for the period

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of his advance travel. In that case, the employee's advance travel to his new station was regarded as having been performed to effect a permanent change of station. Also see Russel E. Archer, B-184137, December 29, 1975, holding that an employee may be paid temporary quarters subsistence expenses in connection with his early departure for permanent change of station travel.

Mr. Brison's return to Bluefield on September 22, 1978, appears to have been for the purpose of seeing to travel and transportation arrangements. In this connection, we have held that a transferred employee's return to his old duty station for such purposes does not stop the running of the 30-day period for occupancy of temporary quarters. Beverley J. Nordquist, B-185338, February 19, 1976. By the same token, an employee's return to his old duty station for these limited purposes does not preclude payment of temporary quarters subsistence expenses where the facts otherwise demonstrate that the employee intended to vacate his residence at the old duty station.

Accordingly, the agency should recompute Mr. Brison's temporary quarters allowance and his travel expenses entitlement on the basis that his and his wife's travel beginning September 19, 1978, constituted permanent change of station travel. However, under this determination, Mr. Brison's travel to Bluefield on September 22, 1978, and his return to Baltimore on the following day must be at personal expense.



For the Comptroller General  
of the United States