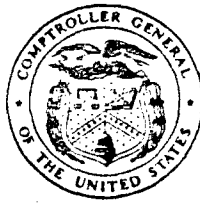


DECISION



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

18644 PLM-1
Botsford

FILE: B-201043

DATE: June 26, 1981

MATTER OF: Harry E. Johnson - Excess temporary storage costs

DIGEST: Employee of Federal Aviation Authority who found it necessary to store household goods in excess of 60 days due to temporary duty assignment made soon after permanent change of station may not be reimbursed for temporary storage charges in excess of 60 days. Reimbursement of costs of storage beyond 60-day temporary period is not authorized regardless of extenuating circumstances.

This decision is in response to the appeal of Mr. Harry E. Johnson from the determination of our Claims Group, Settlement Certificate Z-2822845, August 1, 1980, to disallow his claim for reimbursement of \$129.36 for 1 month temporary storage of his household goods.

Mr. Johnson, an employee of the Federal Aviation Administration (FAA), was transferred from Dallas, Texas, to Kansas City, Missouri on January 13, 1980. Shortly after his transfer Mr. Johnson was directed to return to Dallas for temporary duty. The temporary duty lasted approximately 5 weeks and Mr. Johnson states that as a result, his change of station move was interrupted, and he found it necessary to keep his household goods in storage an additional month. Mr. Johnson was authorized 60 days temporary storage of household goods at Government expense.

Our Claims Group denied Mr. Johnson's claim for reimbursement for an additional month of temporary storage on the basis of paragraph 2-8.2c of the Federal Travel Regulations (FPMR 101-7, May 1973), which provides as follows:

"Temporary storage time limit. The time allowance for temporary storage shall not exceed 60 days provided that an additional 30 days may be allowed an employee who returns to his place of actual residence for leave prior to serving a new tour of duty outside the conterminous United States either at a

[Claim for Reimbursement of Excess Temporary Storage Costs]

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different post of duty or at the same post of duty if the storage is in lieu of furnished quarters or a quarters allowance."

Our Claims Group pointed out that the General Accounting Office has no authority to waive or modify this regulation and, therefore, cannot make exceptions to its provisions.

Mr. Johnson contends that he is entitled to reimbursement because the actions of the FAA caused him to incur the additional expense. Our Office has consistently held that an employee is responsible for the cost of temporary storage in excess of 60 days regardless of the extenuating circumstances which necessitated the additional storage time. Thus, in J. Bruce Siff, B-179901, August 10, 1977, we held that an employee who suffered an on-the-job injury and whose subsequent disability prevented him from accepting delivery of his household goods within the 60-day temporary storage period was not entitled to reimbursement of costs of storage beyond the 60-day period. In a case with facts similar to the situation at hand, Dr. Daryl C. Johnson, B-182079, May 18, 1975, an employee was assigned to temporary duty soon after he was permanently transferred. Although the temporary duty was to have lasted 60-90 days, it in fact lasted almost 1 year and the employee's household goods remained in storage for 11 months. We denied his claim for storage charges in excess of 60 days stating that there was no authority to reimburse him for a longer period of time.

We find it necessary to sustain the determination of our Claims Group. Paragraph 2-8.2c of the Federal Travel Regulations provides for a maximum reimbursement of 60 days of temporary storage of household goods. That regulation was promulgated pursuant to statutory authority contained in 5 U.S.C. § 5724(a)(2), and has the force and effect of law. Accordingly, as our Claims Group pointed out, the time limitations set forth therein may not be waived, modified or extended by this Office.

Milton J. Jordan

Acting Comptroller General
of the United States.