

FORMAN
PLM 2

DECISION



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

FILE: B-222053

DATE: July 29, 1986

MATTER OF: Katherine I. Tang

DIGEST:

Subject to the statutory limitation on reimbursement, an employee who transported her double-wide mobile home to her new duty station is entitled to a miscellaneous expense allowance to cover costs of disassembling the mobile home in preparation for shipment and of reassembling and blocking the mobile home at the new residence site. The allowance also covers nonreimbursable deposits for propane gas service and fees for connecting that and other utilities. While the allowance covers state-imposed charges for titling and registration at the new duty station, it does not cover the cost of parts and labor to install wheels and axles necessary to prepare the mobile home for shipment since these were newly acquired items.

Ms. Katherine I. Tang, an employee of the Federal Bureau of Investigation (FBI), has filed a reclaim voucher seeking reimbursement for expenses she incurred in relocating her mobile home incident to her transfer from Jacksonville, Florida, to Columbus, Ohio.^{1/} Subject to the statutory limitation on reimbursement of miscellaneous expenses, we hold that Ms. Tang is entitled to reimbursement for all but the expenses claimed for installing wheels and axles necessary to transport the mobile home to her new duty station.

Upon being notified of her impending transfer, Ms. Tang indicates she contacted an official within the transportation unit of the FBI who told her she could move her double-wide mobile home at Government expense. After reporting to

^{1/} The matter was presented for an advance decision by Mr. John H. Skaggs, Authorized Certifying Officer, of the FBI.

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her new duty station on January 22, 1984, Ms. Tang submitted a travel voucher claiming the expenses she incurred in relocating her mobile home. Although the cost of transporting the mobile home was approved, the FBI disapproved most of the costs associated with disassembly and preparation of the mobile home for shipment and with reassembly and hookup at the new residence site. The FBI disallowed these expenses on the basis that para. 2-7.3 of the Federal Travel Regulations (Supp. 1, Sept. 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1983), specifies that the allowance for transportation of a mobile home does not include "costs of preparing mobile homes for movement, maintenance, repairs * * *." The FBI allowed reimbursement for an anchor and tie-down fee of \$80 and a charge of \$220.48 to reconnect the mobile home's heating and air conditioning units, as well as shipment and freight charges.

Following the initial denial of her claim Ms. Tang submitted a reclaim voucher in which she sought reimbursement of the expenses which had been disallowed by the agency. It is that reclaim voucher which has been submitted for our determination.

Ms. Tang claims that she should be reimbursed all the expenses she incurred in preparing, shipping, and reassembling her mobile home because she was advised by an agency transportation official that the costs associated with relocating her mobile home from Jacksonville to Columbus would be borne by the Government. She claims that she was never informed that this would not include costs of preparing the home for shipment and reassembling it after delivery. Also, Ms. Tang argues that the Federal Travel Regulations discriminate against mobile home owners who must bear most of the expenses associated with taking apart and setting up a mobile home whereas employees who move between conventional homes are entitled to reimbursement for real estate sale and purchase expenses that may be substantially greater.

A transferred employee who chooses to relocate his mobile home to his new duty station, in fact, may be reimbursed for all or part of the cost of preparing his mobile home for shipment and of reassembling the mobile home at the new location. Reimbursement is not allowed as a cost of transportation but as an item of miscellaneous expense under the conditions and limitations prescribed in Chapter 2, Part 3 of the Federal Travel Regulations (Supp. 4, August 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003

(1983). Wanda J. Campbell, B-208991, February 8, 1983. Consistent with the statutory limitation imposed by 5 U.S.C. § 5724a(b)(2), FTR, para. 2-3.3 provides that an employee without immediate family who submits receipts or other acceptable documentation may be reimbursed for miscellaneous expenses in an amount not to exceed 1 week's basic pay up to the maximum for a grade GS-13. Subparagraph 2-3.1b(2) specifically lists as a cost covered by the miscellaneous expenses allowance "fees for unblocking and blocking and related expenses in connection with relocating a mobile home."

The items for which Ms. Tang has claimed reimbursement are as follows:

1. Fee for new drivers license	\$ 6.50
2. Telephone installation	81.39
3. Parts and labor to install a propane gas tank	111.60
4. Parts and labor for new wheels and axles to transport mobile home	659.40
5. Materials and labor to separate double wide trailer	1,153.14
6. Concrete blocks to set up home	81.99
7. Reassembling home including utility hookups	775.00
8. Transfer tax	<u>149.00</u>
TOTAL	\$3,318.50

For each claimed expense, except the last, Ms. Tang has provided a receipt.

The agency has not specifically questioned the \$6.50 driver's license fee or the \$81.39 telephone installation charge. Both are reimbursable as items of miscellaneous expense under FTR, para. 2-3.1 which lists costs of driver's licenses and utility connection fees as allowable items of

expense. George M. Lightner, B-184908, May 26, 1976, and Prescott A. Berry, 60 Comp. Gen. 285 (1981).

The third item of expense claimed by Ms. Tang is a \$111.60 charge by the Ohio Gas and Appliance Company which includes a nonrefundable deposit of \$79.95 for a 250 gallon propane gas tank and a fee of \$31.65 for materials and labor to connect the tank. Under FTR, para. 2-3.1, utility fees and deposits not offset by eventual refund as well as fees for connecting utilities may be reimbursed as items of miscellaneous expense. The nonrefundable deposit incurred by Ms. Tang for the propane tank serves a purpose similar to the deposit charged for electric or gas utility service and, therefore, may be reimbursed. See Woodrow W. Williams, Jr., B-190209, July 13, 1978. In Duane C. Hollan, B-206426, May 24, 1982, we held that expenses, including parts, necessary to connect a mobile home to available utilities may be reimbursed as items of miscellaneous expense. In accordance with this decision, the charge of \$31.60 for labor and materials to connect the propane tank to the heating system in Ms. Tang's mobile home also may be reimbursed.

The fourth item claimed by Ms. Tang is a charge of \$659.40 for parts and labor to install axles and wheels necessary to transport the two halves of her double-wide mobile home from Florida to Ohio. We have held that the cost of tires necessary to prepare a mobile home for transportation to the new duty station may not be reimbursed as a miscellaneous expense in view of the language of FTR, para. 2-3.1(c) which specifically excludes costs for newly acquired items. Fred T. Larsen, B-186711, January 21, 1978. Because this holding would apply, as well, to costs incurred in equipping the mobile home with axles, the charge of \$659.40 is disallowed in its entirety.

The fifth, sixth and seventh items claimed are costs incurred for the purpose of separating Ms. Tang's double-wide mobile home into two sections for shipment and for reassembling those halves, affixing them to the new residence site and connecting the utilities. Under FTR, para. 2-3.1a, costs of unblocking and blocking and related expenses incurred in relocating a mobile home are listed as items which are covered by the miscellaneous expenses allowance. Under this authority, we have allowed reimbursement for the cost of blocks purchased for the

purpose of blocking the mobile home at the new residence site. Edelmiro Amaya, B-201645, December 4, 1981. As a cost related to unblocking a double-wide mobile home, we have held that the cost of separating an oversized mobile home into two sections for shipment may be reimbursed as a miscellaneous expense. B-168109, November 14, 1969. For the same reason, the cost of reassembling the two halves at the new residence site would be reimbursable as a cost related to blocking the residence at the new site. B-166247, March 13, 1969. And, as indicated previously, costs incurred in connecting utilities are specifically covered by the miscellaneous expense allowance. Thus, items 5, 6 and 7 are all allowable costs. Fred T. Larsen, B-186711, supra, and Edelmiro Amaya, B-201645, supra.

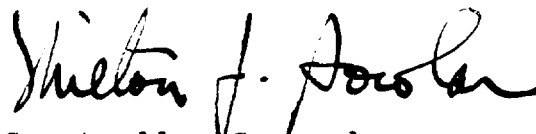
The last item claimed by Ms. Tang is a \$149 fee described on her voucher as a fee to transfer title and register her mobile home in Ohio. Ms. Tang has not submitted a receipt or otherwise documented her payment or the nature of this fee. Subject to the requirement for appropriate documentation, a state-imposed fee of this type would appear to be reimbursable as an item of miscellaneous expense. 47 Comp. Gen. 687 (1968).

If Ms. Tang furnishes documentation to support allowance of the \$149 title and registration fee, she will have established that she incurred miscellaneous expenses totaling \$2,659.10. This total includes the allowable items discussed above together with expenses of \$300.48 already reimbursed by the FBI. As noted above, the amount Ms. Tang may be reimbursed under the miscellaneous expenses allowance is limited by law to 1 week's basic pay, up to the maximum for GS-13. We have not been furnished information concerning Ms. Tang's rate of pay and, therefore, leave the application of this limitation to her agency.

We cannot agree with Ms. Tang's contention that she should be reimbursed for all the costs she incurred in relocating her mobile home because she was given erroneous advice. Employees may receive only those relocation benefits or entitlements that are authorized by law and implementing regulations and an agency's erroneous information may not serve as a basis for establishing an entitlement not authorized by law. See, e.g., James A. Schultz, 59 Comp. Gen. 28, 30-31 (1979); Eugene B. Roche, B-205041, May 28, 1982.

Lastly, as to Ms. Tang's contention that the Federal Travel Regulations discriminate against mobile home owners, the Federal Travel Regulations are statutory regulations implementing the basic statutory entitlements for transferred employees. While the expenses associated with the sale and purchase of a residence by a transferred employee are made reimbursable by the specific language of 5 U.S.C. § 5724a(a)(4) (Supp. 1, 1983), there is no specific statutory provision allowing for the reimbursement of the expenses associated with preparing a mobile home for shipment and the subsequent reassembling of the home. Consequently, the expenses of preparing and reassembling may only be made under the statutory provision for reimbursement of miscellaneous expenses which is limited to a maximum reimbursement of 1 week's pay for an employee without immediate family. See 5 U.S.C. § 5724a(b). Moreover, an employee who sells a mobile home at his old duty station and purchases a mobile home at his new duty station is entitled to real estate sale and purchase expenses to the same extent as if he had bought and sold any other type of residence. See FTR, para. 2-6.1b.

Accordingly, within the limitations discussed, Ms. Tang may be reimbursed for all of the miscellaneous expenses claimed, with the exception of the charge of \$659.40 for tires and axles.

for 
Comptroller General
of the United States