



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Dr. Robert F. Clarke - Transportation of
Privately Owned Vehicle

File: B-228663

Date: September 25, 1987

DIGEST

Members of the uniformed services are entitled by law to the transportation of an automobile at public expense to an overseas home of their selection upon their retirement, but the terms of the applicable statute and regulations provide no additional entitlement to reimbursement of brokerage fees, handling charges, and storage costs incurred after the automobile arrives at the overseas port of entry. Hence, in the case of a retired Public Health Service officer whose automobile was impounded at port by Peruvian police as suspected contraband while it was in transit to the officer's home of selection in Lima, Peru, the officer may not be allowed reimbursement of the brokerage fees, handling charges, storage costs, and other expenses incurred in obtaining the automobile's release from impoundment.

DECISION

Dr. Robert F. Clarke requests reconsideration of our Claims Group's denial of his claim for additional amounts believed due as reimbursement of the expenses he incurred in shipping his automobile from the United States to his home of selection for retirement in Peru following his retirement from the Public Health Service. In light of the facts presented, and the applicable provisions of law, we sustain the denial of his claim.

BACKGROUND

On October 1, 1984, Dr. Clarke retired as a scientist, director grade (0-6), from the Commissioned Corps of the Public Health Service. His retirement orders stated that he was eligible to move at Government expense from his last duty station at Washington, D.C., to his home of selection at Lima, Peru, and the orders included this entry relating

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to his moving expenses: "AUTHORIZED SHIPMENT OF PRIVATELY OWNED AUTOMOBILE."

The Public Health Service subsequently paid \$1,099.06 for the shipment of Dr. Clarke's automobile from Baltimore, Maryland, to the Port of Callao, Peru. Dr. Clarke states that on February 15, 1985, he paid additional amounts totalling \$4,695.99 to obtain the release of his automobile at the port. Of that amount, \$3,967.89 represented storage costs assessed by a commercial corporation controlled by the Government of Peru, and the balance was for a variety of handling charges and brokerage fees. Dr. Clarke states that he was not required to pay any customs duty or tax to the Government of Peru to bring the automobile into Peru, and that the amounts he paid were instead directly related to the automobile's transportation and storage. He also expresses the belief that the additional expenses arose primarily because State Department officials at the United States Embassy at Lima, Peru, declined to arrange for the automobile's delivery to Lima in the manner normally done for diplomatic personnel, and as a result the Peruvian police became suspicious and impounded it as contraband.

Dr. Clarke's resulting claim for reimbursement of the \$4,695.99 he paid to obtain the release of his automobile was denied by our Claims Group on the basis that the applicable statute and regulations did not cover the expenses involved. Dr. Clarke questions the correctness of that conclusion, suggesting that he should instead properly be allowed reimbursement of all the expenses involved in the transportation of his automobile to his residence address in Lima, Peru, including all of the expenses he incurred in securing its release at the port.

ANALYSIS AND CONCLUSION

Section 2634 of title 10, United States Code, provides that service members upon their retirement may be allowed the transportation of an automobile at Government expense from their last duty station to their home or the place from which they were ordered to active duty.1/

Implementing regulations issued by the service Secretaries which were in effect throughout 1984 and 1985 are contained

1/ The terms of 10 U.S.C. § 2634 limit its application to members of an "armed force," but the provision has been extended to commissioned officers of the Public Health Service as well as by operation of 42 U.S.C. § 213a(a)(10).

in Volume 1 of the Joint Travel Regulations. Subparagraph M11002-5 of those regulations provides that:

"* * * The Government's responsibility commences upon acceptance of the privately owned motor vehicle for shipment and continues until the vehicle is delivered to the member or his authorized agent at destination or upon delivery to a commercial warehouse. * * *"

Paragraph M11012 places a responsibility on the service member to arrange for the pick-up of the automobile at the port, and subparagraph M11002-5 further provides that the costs of commercial storage prior to the pick-up are the service member's responsibility.^{2/}

We have held that while 10 U.S.C. § 2634 authorizes the transoceanic transportation of service members' automobiles at Government expense, it does not provide authority for the reimbursement of agents' or brokers' fees, or handling charges, incurred after an automobile is delivered to the port of entry of the country of destination.^{3/} We have also held that it does not provide authority for reimbursement of expenses incurred as a consequence of delays in the shipment or delivery of an automobile, even if the delays are avoidable and are occasioned in whole or in part by negligence or error on the part of Government personnel.^{4/}

In the present case, therefore, Dr. Clarke was entitled to the transoceanic transportation of his automobile at Government expense upon his retirement under the applicable provisions of statute and regulation, but he was not entitled to reimbursement of every item of expense incurred in the process of getting the automobile delivered to his residence in Lima. In particular, the applicable statute and regulations provide no entitlement to reimbursement of brokerage fees, handling charges, and storage costs he incurred after the automobile was delivered to the port of entry in Peru.

^{2/} Similar provisions currently appear in Part E of Chapter 5, Volume 1 of the Joint Federal Travel Regulations, which replaced Volume 1 of the Joint Travel Regulations on January 1, 1987.

^{3/} See 39 Comp. Gen. 713 (1960); and 54 Comp. Gen. 756, 759 (1975).

^{4/} See Lieutenant Colonel John F. Snyder, USA, B-205113, February 12, 1982, and decisions there cited.

Moreover, we are unable to conclude that any action or inaction on the part of United States Embassy personnel could serve as a basis under the statute and regulations for allowing payment for any additional expenses associated with delays or complications occasioned by the impoundment of the automobile.

Accordingly, we sustain the denial of Dr. Clarke's claim.

for *Harry Q. Van Cleave*
Comptroller General
of the United States