



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sergeant Karen H. Gustin, USAF
File: B-229099
Date: July 7, 1989

DIGEST

Where the government pays the costs associated with transporting a member's mobile home and the costs associated with a voluntary Do-It-Yourself move and these payments exceed the member's entitlement resulting in a member's indebtedness, the debt is not an erroneous payment which may be considered for waiver under 10 U.S.C. § 2774.

DECISION

A former Air Force member requests waiver of a debt which arose in connection with the transportation of her mobile home and the transportation of her household goods by means of a Do-It-Yourself (DITY) move. The debt may not be considered for waiver for the reasons set forth below.

Sergeant Karen M. Gustin, USAF, incident to her release from active duty was authorized to move her mobile home from Goldsboro, North Carolina to her home of record, Johnson, Rhode Island at government expense. She was also authorized transportation of 7,728 pounds of household goods. Her entitlement for the authorized expenses of both facets of her move under the applicable regulations totaled \$4,421.79. This was the amount of entitlement she was given by the transportation office when she first began inquiries about her move.

Sergeant Gustin elected to have her mobile home moved to Wheeling, Illinois, approximately 200 miles farther than the distance from North Carolina to Rhode Island. The cost to move the mobile home was \$4,322.27 and included replacement costs of \$150 for 3 tires for the mobile home. Sergeant Gustin also transported approximately 1,500 pounds of household goods under a DITY move. The government's payment for this move was \$558 for the truck and equipment rental (the \$585 figure in the administrative report was in error), plus \$494.79 for the DITY incentive payment for a total of

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\$1,052.79. Thus the government expended a total of \$5,375.06, which exceeds Sergeant Gustin's entitlement of \$4,421.79 by \$953.27. Sergeant Gustin requests waiver of the debt under 10 U.S.C. § 2774 on the basis that the debt resulted through no fault of her own.

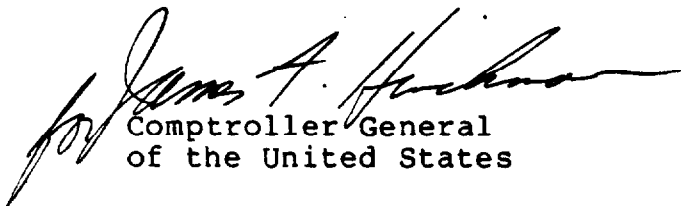
Section 2774 of title 10, U.S. Code, authorizes the waiver of a claim of the United States against a person arising out of an erroneous payment of travel and transportation allowances made to or on behalf of a member or former member of a uniformed service if collection of the erroneous payment would be against equity and good conscience and not in the best interests of the United States.

By express terms, this waiver authority applies only to claims arising out of erroneous payments. Thus, before a claim can be considered for waiver, it must be determined that the claim arose from an erroneous payment within the meaning of the statute.

In our decision, Transportation Debt Waivers--Household Goods and Mobile Homes, 67 Comp. Gen. 484 (1988), we concluded that generally payments made to carriers or members for the shipment of household goods, transportation of mobile homes, or in connection with DITY moves, which exceeded the member's entitlement, are not considered erroneous payments and therefore are not subject to waiver.

In that decision we pointed out that the movement of a member's mobile home and DITY moves are authorized by statute. Payments are made in connection with these moves on the basis of the carrier's bill or the member's estimate with the understanding that costs which exceed the member's entitlement will be collected from the member. These excess costs paid to carriers or members are not considered erroneous payments and therefore will not be considered for waiver under 10 U.S.C. § 2774.

In this case, payments were made in accordance with established procedures. Thus, Sergeant Gustin's debt in the amount of \$953.27 may not be considered for waiver under 10 U.S.C. § 2774.


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