



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Elaine J. Huber - Claim for Relocation Expenses -
Meritorious Claims Act

File: B-229395

Date: November 4, 1988

DIGEST

A new appointee to a manpower shortage position, who was issued travel orders erroneously authorizing reimbursement for temporary quarters subsistence expenses, a house-hunting trip, and miscellaneous expenses, may only be reimbursed for her travel and shipment of the household goods under 5 U.S.C. § 5723 (1982). In addition, we decline to submit this claim to the Congress under the Meritorious Claims Act, 31 U.S.C. § 3702(d) (1982).

DECISION

This decision is in response to a request from the Director, Fiscal and Public Safety, Forest Service, United States Department of Agriculture, concerning the entitlement of a Forest Service employee to be reimbursed for relocation expenses. For the following reasons, we conclude that the relocation expense claim may not be allowed.

BACKGROUND

Ms. Elaine J. Huber, who was employed in the private sector and residing in Vancouver, Washington, applied for and was appointed to a manpower shortage category position with the Forest Service in Roseburg, Oregon. Although the appointment was her initial federal position, Ms. Huber was authorized full permanent change-of-station allowances as if she were a federal employee being transferred to a new duty station.

Subsequent to her reporting for duty, she submitted her travel voucher in the amount of \$562.07. It was determined by her agency that her travel orders had been improperly issued since she was not an employee being transferred from one official duty station to another for permanent duty, and the agency reimbursed her only \$16.50 of the claimed amount. The expenses disallowed were the cost of a house-hunting

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trip, temporary quarters subsistence expenses, and miscellaneous expenses.

The agency requests that the claim be submitted as a meritorious claim since Ms. Huber was not knowledgeable regarding the limitations on relocation expenses for new appointees.

OPINION

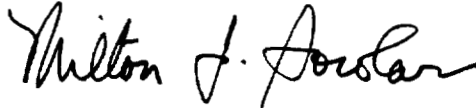
As a new appointee, Ms. Huber's relocation expenses were authorized under 5 U.S.C. § 5723 (1982). That provision authorizes the reimbursement of the travel and transportation expenses of a manpower shortage position appointee and immediate family, including the expenses of moving household goods and other personal effects, from the place of residence at the time of selection to the first permanent duty station. However, section 5723 does not allow reimbursement for temporary quarters subsistence expenses, real estate expenses, or miscellaneous expenses. Those expenses are authorized only for federal employees who are being transferred from one official station or agency to another for permanent duty. 5 U.S.C. §§ 5724 and 5724a (1982).

With regard to the improper travel orders, it is a well-settled rule of law that the government cannot be bound beyond the actual authority conferred upon its agents and employees by statute or by regulations. This is so even though the agent or employee may not have been completely aware of the limitation on his authority. See M. Reza Fassihi, 54 Comp. Gen. 747 (1975), and court cases cited.

As a new appointee in a manpower shortage position, Ms. Huber was reimbursed \$16.50 for her and her spouse's travel from Vancouver, Washington, to Roseburg, Oregon. Absent any claims for shipment of her household goods, she has received all the reimbursement to which she is legally entitled under 5 U.S.C. § 5723, and the agency's action disallowing the additional expenses is correct.

We are not disposed toward complying with the agency request that we submit the matter to the Congress as a meritorious claim under the provisions of section 3702(d) of title 31, United States Code, which are applicable in particularly compelling cases. It is not the purpose of the meritorious claims act to provide for payment whenever expenses are incurred pursuant to erroneous authorization.

The circumstances in Ms. Huber's case are distinguishable from those in John H. Teele, 65 Comp. Gen. 679 (1986), referred to by the agency as an appropriate precedent. In Teele, the employee incurred over \$10,000 in relocation expenses, suggesting that the expectation of reimbursement may well have had a significant impact on his decision to accept employment in the first instance. Here, we do not consider that the amount involved and the extent to which expected reimbursement may have influenced Ms. Huber's employment decision are sufficiently compelling to invoke the provisions of the meritorious claims act.

A handwritten signature in cursive script, reading "Milton J. Jordan".

Acting Comptroller General
of the United States