



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Adrian F. Tuck - Relocation - Household Goods
Excess Insurance Costs - Waiver

File: B-231120.2

Date: June 23, 1989

DIGEST

An employee, who was appointed to a manpower shortage position, seeks waiver of a debt arising from excess insurance which he obtained on his household goods shipment. An employee may be granted waiver in such case if the agency provided the employee with erroneous information and he acted in reliance thereon to his financial detriment. Since there is no showing here that erroneous information was provided him by the agency, waiver is denied. Cf. Paul Rodriguez, 67 Comp. Gen. 589 (1988).

DECISION

This decision is in response to a request from the Director, National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce. The issue is whether Mr. Adrian F. Tuck may have his debt to the United States waived. We conclude that waiver may not be granted.

BACKGROUND

Mr. Tuck, a citizen and resident of the United Kingdom, was appointed by NOAA to a manpower shortage position as a research chemist. He was authorized travel and transportation for himself and three dependents and shipment of his household goods from Wokingham, Berkshire, England, to his first duty station, Boulder, Colorado. Incident to that move, Mr. Tuck secured additional insurance on his household goods shipment. Upon completion of his travel, the agency paid the carrier the cost of his household goods shipment and billed Mr. Tuck for \$1,395.63. This amount represented insurance on his household goods at the rate of \$2.50 per hundred dollars of valuation for the entire shipment (\$55,825), which was in excess of the \$0.60 per pound authorized to be paid by the government for standard liability coverage.

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By decision Adrian F. Tuck, B-231120, Oct. 6, 1988, we ruled that, since paragraph 2-8.4e(3) of the Federal Travel Regulations specifically provides that the cost of excess insurance obtained by an employee on his household goods will be borne by the employee, Mr. Tuck was responsible to reimburse the government for that cost.

Mr. Tuck now seeks waiver of that repayment. He contends that he never received any document or other information before the move advising him that he would have to pay for the cost of that insurance. He claims that the only information received regarding costs was a MASC booklet shown to him afterwards when he received the bill for excess insurance.

The agency has recommended that Mr. Tuck's debt be waived based on our decision Paul Rodriguez, 67 Comp. Gen. 589 (1988).

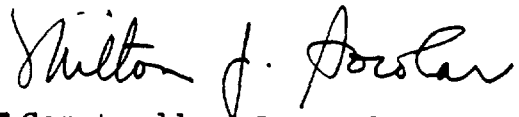
OPINION

In our decision, Paul Rodriguez, supra, we ruled that where an employee's household goods shipment insurance debt occurred because he relied on erroneous advice received from his agency, that debt may be waived. However, the holding in Rodriguez was recognized as an exception to the general rule that payments by an agency to a carrier for shipments of household goods under a Government Bill of Lading are not deemed "erroneous payments" for purposes of the waiver statutes.^{1/} In Rodriguez the record showed that the agency specifically quoted the incorrect insurance rate to him. Thus, we concluded that the debt which was created arose solely because he relied on that clearly erroneous advice.

In the present case, there is nothing in the record to show that any erroneous advice or incorrect information was given Mr. Tuck by any agency official. Mr. Tuck states that, other than being informed by the government that Allied Van Lines would move his goods, the only contact he had regarding the actual move was with the representative from Allied Van Lines. While the Allied representative told Mr. Tuck that the government would be sent the insurance bill, there is nothing in the file demonstrating that he acted in reliance on any erroneous advice given by the government.

^{1/} Transportation Debt Waivers, 67 Comp. Gen. 484 (1988).

Accordingly, waiver must be denied.

A handwritten signature in cursive script that reads "Milton J. Fowler".

Acting Comptroller General
of the United States