



The Comptroller General
of the United States

Washington, D.C. 20548

Riback

Decision

Matter of: John G. Shirley - Rental Car at New Duty Station
Incident to Relocation

File: B-234861

Date: July 11, 1989

DIGEST

A transferred employee was erroneously authorized a rental car for his personal use while he was in temporary quarters at his new duty station in Hawaii pending arrival of his privately owned automobile which was being shipped from California. Reimbursement for the rental car is not authorized because reimbursement of the cost of local transportation in such circumstances is specifically prohibited by paragraph 2-5.4a of the Federal Travel Regulations.

DECISION

This is in response to a request from an authorized official of the U.S. Customs Service for a Comptroller General decision concerning a Customs Service employee's claim for reimbursement of rental car expenses.^{1/} We find that reimbursement is not authorized.

The employee, Mr. John G. Shirley, received a transfer of official duty station from Charleston, South Carolina, to Honolulu, Hawaii. Incident to the transfer, Mr. Shirley drove from South Carolina to California; from there he had his privately owned automobile shipped to Hawaii at government expense. Upon his arrival in Hawaii Mr. Shirley stayed in temporary quarters and rented an automobile for his personal local transportation and househunting because his own automobile was not expected to arrive until approximately 3 weeks after his arrival at his new duty station. His relocation authorization included authority for a rental vehicle in Honolulu, and Mr. Shirley indicates that this

^{1/} The matter was submitted by Mr. Thomas E. Garrison, Acting Chief, Appropriations Branch, National Finance Center, U.S. Customs Service.

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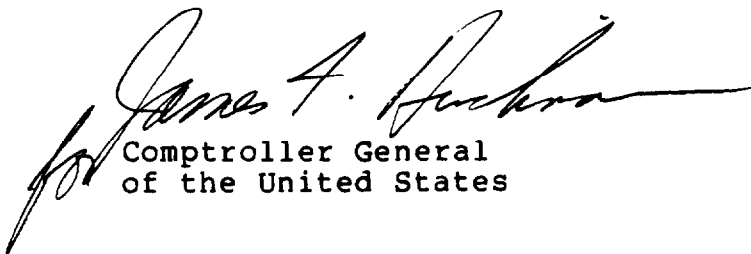
authority was included for these personal transportation and househunting purposes.

The Customs Service disallowed the claim for the rental car expense stating that Mr. Shirley was provided a government vehicle for transportation to and from his work site during the period in question and Federal Travel Regulations (FTR), FPMR 101-7, paragraph 2-5.4a, specifically prohibit reimbursement.

Mr. Shirley states that rental cars are authorized in connection with househunting trips, and since he did not receive a househunting trip he should be entitled to use of a rental car for this purpose after reporting to his new duty station.2/

Mr. Shirley's claim for car rental expenses must be denied. As the Customs Service states, FTR paragraph 2-5.4a specifically provides that "Expenses of local transportation incurred for any purpose during occupancy of temporary quarters shall not be allowed." Thus the regulations clearly prohibit the use of a rental car at government expense for local transportation in these circumstances, and to the extent Mr. Shirley's transfer authorization provided for a rental car for this purpose it was erroneous. An authorization contrary to a regulation promulgated pursuant to law does not create an entitlement to reimbursement. See Michael Moran, 66 Comp. Gen. 666, 668 (1987). Also, the fact that Mr. Shirley was not entitled to a househunting trip to Hawaii is not a basis for an exception to the clear prohibition in the regulation.

Accordingly, Mr. Shirley's claim for the car rental expenses may not be allowed.


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2/ Househunting trips are authorized only for transfers within the "continental United States," and thus they are not authorized for transfers to Hawaii. See 5 U.S.C. § 5724a(a)(2), and FTR paras. 2-4.1c and 2-1.4a.