



Comptroller General
of the United States

Washington, D.C. 20548

145373

Decision

Matter of: Timothy M. Trogdon - Waiver - Erroneous
Travel Advance

File: B-244508

Date: November 26, 1991

DECISION

Mr. Timothy M. Trogdon, a former employee of the Defense Logistics Agency, appeals our Claims Group settlement which denied his request for waiver under the provisions of 5 U.S.C. § 5584 (1988).¹ The issue we are presented is whether or not Mr. Trogdon's debt is subject to waiver.

In April 1988, Mr. Trogdon was issued permanent change-of-station orders transferring him from Wichita, Kansas, to Euclid, Ohio. In connection with his transfer, he received travel advances in the amount of \$22,079.50. Mr. Trogdon later submitted travel vouchers which indicated that his allowable expenses for the transfer were \$14,760.30. Thus, Mr. Trogdon was overpaid \$7,319.20.

Mr. Trogdon requested that the overpayment be waived under the provisions of 5 U.S.C. § 5584 (1988). Both his employing agency and our Claims Group denied his claim on the basis that the travel advance did not meet the conditions for waiver since there was no showing of erroneous travel orders or authorization. Mr. Trogdon's advances simply exceeded his allowable expenses. Mr. Trogdon contends that the travel advance is subject to waiver since it is an overpayment and that approximately \$6,000 was received after he submitted his final travel vouchers. He fails to state, however, why he believes that he was entitled to retain the funds.

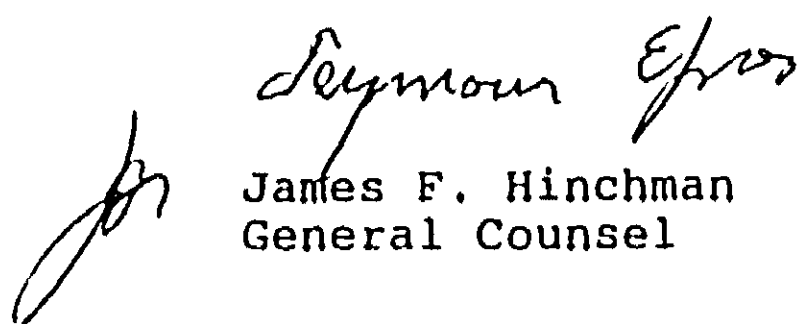
We agree with our Claims Group's determination that Mr. Trogdon's debt is not subject to waiver. For a travel advance to be appropriate for waiver consideration, the employee must have received a travel advance to cover erroneously authorized allowances and spent the advance in detrimental reliance on the erroneous authorization.

Major Kenneth M. Dieter, 67 Comp. Gen. 496 (1988);
Captain Jeffrey L. Parker, USAF, B-234751, Dec. 19, 1989;
Sandra J. Samuels, B-226015, Apr. 25, 1988. See also

¹Z-2903207-050, Jan. 29, 1990.

Published Final Rule, Standards for Waiver of Claims for Erroneous Payment of Pay and Allowances, 56 Fed. Reg. 49,582 (1991), to be codified at 4 C.F.R. § 91.4(d).

There is no indication in the record of erroneously authorized allowances. Mr. Trogdon was simply given an advance in excess of his allowable expenses. Accordingly, Mr. Trogdon's debt does not constitute an erroneous payment which might be subject to waiver consideration under 5 U.S.C. § 5584 (1988).



Seymour E. Hinchman

James F. Hinchman
General Counsel