



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-159261

October 17, 1973

40074

Mrs. Marjorie E. LaVeille
Apt. 307, The Tamalpais
501 Via Casitas
Greenbrae, California 94904

Dear Mrs. LaVeille:

Further reference is made to your letter of June 1, 1973, requesting review of a settlement by our Transportation and Claims Division, dated May 14, 1973, which disallowed your claim for \$393.71, representing reimbursement of nontemporary storage and associated expenses incurred in connection with the storage of your personal effects during the period August 9, 1957, to September 8, 1972.

A review of the record indicates you placed approximately 250 pounds of your personal effects into commercial storage in August 1957, when you were first employed as a Department of Defense (DOD) overseas school teacher and assigned to Okinawa. We note you transferred to Darmstadt, Germany, in 1960 and to Augsburg, Germany, in 1962. Subsequently, you transferred to Karamursel, Turkey, in 1964, thence to Kenitra, Morocco, in 1965, to Okinawa in 1967, to Japan in 1968, to Nuremberg, Germany, in 1971. You retired in 1972 and returned from Nuremberg to San Francisco, California, to reside after separation. Your personal effects remained in storage in Seattle, Washington, throughout this entire period of your employment overseas.

Your claim was first received in our Office on January 15, 1973. In this connection, 31 U.S.C. 71a provides as follows:

"§71a. Same; limitation of time on claims and demands.

"(1) Every claim or demand (except a claim or demand by any State, Territory, possession or the District of Columbia) against the United States cognizable by the General Accounting Office under sections 71 and 236 of this title shall be forever barred unless such claim, bearing the signature and address of the claimant or of an authorized agent or attorney, shall be received in said office within ten full years after the date such claim first accrued * * *."

750035

091553

Under the terms of this statute, that portion of a claim for a period more than 10 years prior to receipt of the claim in this Office is forever barred. Consequently, the portion of your claim that extends into the period prior to January 15, 1963, is forever barred and cannot be considered by this Office.

Nontemporary storage of personal effects in connection with movement of household goods to and between overseas installations was first authorized for civilian personnel in section 301(c)(2) of Public Law 86-707, approved September 6, 1960, 74 Stat. 796. That provision is now codified in 5 U.S.C. 5726(b), which provides as follows:

"(b) Under such regulations as the President may prescribe, an employee, including a new appointee and a student trainee to the extent authorized by sections 5722 and 5723 of this title, assigned to a permanent duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods and personal effects when—

"(1) the duty station is one to which he cannot take or at which he is unable to use his household goods and personal effects; or

"(2) the head of the agency concerned authorizes storage of the household goods and personal effects in the public interest or for reasons of economy.

"The weight of the household goods and personal effects stored under this subsection, together with the weight of property transported under section 5724(a), may not exceed 11,000 pounds net weight, excluding a motor vehicle described by subsection (a) of this section."

Regulations governing nontemporary storage, promulgated by the Office of Management and Budget (OMB) in Circular No. A-56 and its several revised editions, have remained substantially unchanged throughout the period involved. In essence the regulations authorize nontemporary storage of part or all of the household goods and personal effects of an employee,

B-159261

not to exceed his maximum weight allowance, while stationed outside the continental United States, provided any one of the following enumerated conditions is satisfied:

"(1) The official station is one to which he is not authorized to take, or at which he is unable to use, his household goods, or

"(2) The storage is authorized in the public interest, or

"(3) The estimated cost of the storage would be less than the cost of round trip transportation (including temporary storage) of the household goods to the new official station."

OMB Circular No. A-56 as originally promulgated and in its several revisions also states that the authorization for nontemporary storage normally should be included in the employee's travel orders, but also permits subsequent approval where the employee would be otherwise entitled to nontemporary storage. The goods may be stored for the duration of the overseas tour either in Government or commercial storage facilities as determined by the Government. Applicable regulations also permit nontemporary storage of the household goods and personal effects of DOD overseas school teachers during the summer recess.

We have been informally advised by a representative of the Procedures and Regulations Division, Directorate of Civilian Personnel, Office of the Deputy Chief of Staff for Personnel, Headquarters, Department of the Army, that nontemporary storage is routinely authorized on a retroactive basis where the employee placed his goods in storage at personal expense prior to the time storage at Government expense was authorized and kept them in storage for some time after regulations were promulgated authorizing such nontemporary storage, provided such regulations did not come to the employee's attention. This Army representative further advised that your situation is an example of a case where retroactive approval is indicated, especially in view of the transportation costs that would have been involved had you taken these goods with you to each station. Based on the foregoing, we are of the opinion that authorization of your nontemporary storage for the period here in question can be assumed. Compare B-175718, September 7, 1972.

B-159261

In response to an inquiry to Bekins Moving and Storage Company, Seattle, Washington, we were informally advised that Bekins had never received any funds from the Government on account of your nontemporary storage and that you had paid storage and associated costs totaling \$393.71.

In view of the above, we find that you are entitled to reimbursement of the following nontemporary storage expenses paid by you to Bekins Moving and Storage Company for the period not barred by 31 U.S.C. 71a.

Storage 1/15/63 to 2/8/71	
97 months at \$1.40	\$135.80
2/9/71 to 8/8/71	
6 months at \$4.05	24.30
8/9/71 to 9/8/72	
13 months at \$4.60	59.80
Warehouse handling in & out	<u>2.50</u>
TOTAL	\$222.40

Applicable regulations do not entitle an employee to reimbursement of expenses for access to and insurance on goods in nontemporary storage and therefore your claim for such expenditures is disallowed.

Accordingly, we have instructed our Transportation and Claims Division to allow your claim in the amount of \$222.40 and a settlement in your favor will be issued in due course.

Sincerely yours,

R.F. KELLER

[Deputy Comptroller General
of the United States