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United States General Accounting Office  
Washington, DC 20548

Office of  
General Counsel

In Reply  
Refer to: B-196809

JUN 6 1980

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DATE 11/02/2000 BY 60322 UCBAW

The Honorable Harry F. Byrd, Jr.  
United States Senate

Dear Senator Byrd:

This is in response to your letter of May 7, 1980, concerning the claim of Mr. Charles E. Brookshire for reimbursement for food and lodging expenses incurred in connection with his transfer overseas in July 1977.

By decision B-196809, May 9, 1980, copy enclosed, we sustained the action by our Claims Division denying the claim. As a civilian employee of the Department of the Army, Mr. Brookshire was transferred overseas with a reporting date in August 1977. He was denied a temporary quarters subsistence expense allowance under 5 U.S.C. § 5724a(a)(3) because that statute prohibits payment of such expenses to employees transferred overseas. Mr. Brookshire was also denied the predeparture subsistence expense portion of the foreign transfer allowance authorized by 5 U.S.C. § 5924 (1976), since the granting of that allowance is discretionary with the agency concerned and the Army implementing regulations did not authorize its payment until May 1978, almost a year after Mr. Brookshire transferred overseas.

We trust this serves the purpose of your inquiry and we regret that we could not reach a determination favorable to your constituent. A copy of the enclosed decision was mailed to Mr. Brookshire on May 9, 1980.

Sincerely yours,

Harry R. Van Cleave

For  
Milton J. Socolar  
General Counsel

Enclosure

