



United States  
General Accounting Office  
Washington, D.C. 20548

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Office of the General Counsel

B-227488.4

August 1, 1995

The Honorable George E. Brown, Jr.  
House of Representatives

Dear Mr. Brown:

By letter of May 31, 1994, with enclosures, you ask that we further consider the claim of your constituent, Mr. David C. Funk, and grant him relief through use of the Meritorious Claims Act, 31 U.S.C. § 3702(d) (1988). For the reasons stated below, we do not believe that it would be appropriate to grant him such relief.

Mr. Funk, a civilian employee of the Air Force, was transferred in 1984 from Hawaii to Norton Air Force Base (AFB), California. Several days after he reported for duty at his new permanent station, and before he was able to move into permanent quarters, he was assigned to temporary duty at the Air War College at Maxwell AFB, Alabama, for long-term training from August 1984 until June 1985. As a result, he had to have his household goods placed in storage upon their arrival from Hawaii.

Mr. Funk states that he was erroneously informed by the Traffic Management Office at Norton AFB that his household goods would be stored at government expense until he returned from temporary duty. Upon his return from temporary duty in July 1985, Mr. Funk first learned that the Air Force had only paid for the first 180 days of storage and that he had to pay the commercial storage charges for the additional storage period of approximately 8 months. On September 3, 1985, Mr. Funk paid the storage company the amount of \$2,092.87 in full settlement for the storage of his goods beyond 180 days.

By decision B-227488, Dec. 29, 1987, this Office sustained our Claims Group's Settlement Z-2864T05, Mar. 9, 1987, which disallowed Mr. Funk's claim for reimbursement of the storage charges for the additional period. Our decision was

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based on the provisions of paragraph 2-8.2c of the Federal Travel Regulations,<sup>1</sup> which limits the authorized household goods storage period to a maximum of 180 days. We stated that this Office has no authority to disregard or waive that time limitation. Moreover, by letter to you dated October 4, 1991, we reported that the waiver of collection provisions of 5 U.S.C. § 5584 were not applicable because no erroneous payments had been made to Mr. Funk.

Your most recent letter cites the Meritorious Claims Act as a possible avenue of relief for Mr. Funk. Our authority under that Act is to refer to the Congress those cases which cannot be paid from existing appropriations but, because of the equities involved, are deemed worthy of favorable consideration by the Congress.

Clearly, this remedy is an extraordinary one and we have limited its use to extraordinary circumstances. Claims by federal employees for expenses incurred due to erroneous advice received from other government employees generally are not considered appropriate for meritorious relief.

Thus, in Angus C. Jones, B-210170, July 6, 1983, we declined to recommend Meritorious Claims Act relief for a transferred employee who, like Mr. Funk, was erroneously advised that he was entitled to additional storage time during a period of extended temporary duty. As we stated in that case, the remedy is limited to circumstances which are unlikely to recur, since to report a particular case when similar equities exist or are likely to arise with respect to other claimants similarly situated would constitute preferential treatment. We may, however, recommend meritorious relief where the financial loss to the employee caused by erroneous advice is substantial.<sup>2</sup>

We note that the cost to Mr. Funk of having relied on the erroneous advice might not necessarily have amounted to the full \$2,092.87 he has claimed. According to documents in the file, Mr. Funk's household goods were temporarily stored by the ABC Moving and Storage Company, to whom he paid \$2,092.87 for the 8-month period beyond the initial 180 days of storage. The record also indicates that the cost to Mr. Funk for alternate storage for eight months at another facility, the San Bernardino Van and Storage Company, would have been \$1,080 (\$1,012 lower than ~~the amount he paid for storage~~). If Mr. Funk had chosen the less expensive storage facility for the subsequent eight-month period, he would have incurred the costs of that storage, plus the costs of transferring the goods from the ABC Moving and

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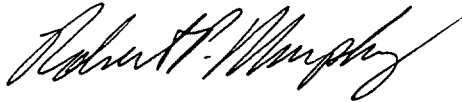
<sup>1</sup>FPMR 101-7, Supp. 4, Aug. 23, 1982, incorp. by ref., 41 C.F.R. § 101-7.003, currently found at 41 C.F.R. § 302-8.2(d) (1994). See Vol. 2, Joint Travel Regulations C8001-28.

<sup>2</sup>John H. Teele, 65 Comp. Gen. 679 (1986).

Storage warehouse to the new warehouse. Taking these expenses into account would reduce Mr. Funk's loss accordingly.

Considering the factors cited, we conclude it is not appropriate to submit Mr. Funk's claim to the Congress for relief under the Meritorious Claims Act.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Robert P. Murphy".

Robert P. Murphy  
General Counsel