



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

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B-177277

May 3, 1973

Edwin J. McDermott, Esq.
2425 Fidelity Building
123 S. Broad Street
Philadelphia, Pennsylvania 19109

Dear Mr. McDermott:

Further reference is made to your letter of March 6, 1973, requesting reconsideration of decision B-177277, February 12, 1973, to Mr. R. J. Schullery, Authorized Certifying Officer, which held that a voucher in favor of Mr. Barry Scharaga, an employee of the Federal Aviation Administration (FAA), could not be certified for payment. The voucher was for [reimbursement of subsistence expenses] incident to the occupancy of temporary quarters and real estate transaction expenses incurred by Mr. Scharaga in connection with his transfer from Frankfurt, Germany, to Atlantic City, New Jersey, effective August 21, 1972.

By Travel Order No. 2710-0001 (FAA Form 1500-5), dated June 28, 1972, Mr. Scharaga was transferred from Frankfurt to Atlantic City and authorized reimbursement of subsistence expenses incident to the occupancy of temporary quarters and real estate transaction expenses. Our decision held that such reimbursement could not be made since governing FAA regulations do not provide for such reimbursement when an employee transfers from an overseas station to one in the United States. Your request for reconsideration is apparently based on the proposition that, since the reimbursement of such expenses was authorized in the travel orders and estimated amounts of such items were set forth therein, payment should be made.

In the instant case the items claimed were erroneously authorized since there was no authority therefor under governing regulations. It is regrettable that such erroneous orders were issued. However, in the absence of specific authority therefor, the United States is not liable for the erroneous actions of its

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officers, agents or employees, even though committed in the performance of their official duties. See B-176102, September 8, 1972, copy enclosed, and cases cited therein.

In view of the above we have no alternative but to affirm our decision.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General
of the United States

Enclosure