



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

Office of the General Counsel

B-259606.2

December 28, 1995

Mr. Allan W. Beres
Assistant Commissioner for Transportation
and Property Management
Federal Supply Service
General Services Administration
Washington, DC 20406

Dear Mr. Beres:

We recommend that the General Services Administration consider amending the Federal Travel Regulation (FTR) to permit extensions of temporary storage beyond 180 days in appropriate circumstances for civilian employees. This would make the FTR consistent with the Joint Federal Travel Regulation (JFTR) provision for military personnel.

For federal civilian employees, the FTR currently has a maximum limit of 180 days' storage without exceptions. See 41 C.F.R. § 302-8.2(d) (1994). Military personnel, however, can be authorized additional temporary storage at government expense under 1 JFTR, U5375-B3 (1993). The authority to pay for storage over 180 days for military members dates back to January 3, 1983. 1 JTR M8100-2, Change 361, 3/1/83. (Copies enclosed.)

An example of why such an amendment is necessary is the case of Linda Hillard, an employee of the Department of Veterans Affairs (VA), who was authorized relocation expenses pursuant to her permanent change of station from North Carolina to Atlanta, Georgia, including 90 days' temporary storage of household goods. She was later granted a 90-day extension, but denied a second 90-day extension. Her household goods were in storage for a total of 254 days, 74 days over the 180 days authorized.

At the time the employee reported for duty in Atlanta, the VA was considering moving her office to Birmingham, Alabama. According to Ms. Hillard and affidavits submitted by other employees, she was advised to refrain from purchasing a new

residence in Atlanta pending the agency's decision on the relocation. Subsequently, the VA decided to consolidate the offices involved in Atlanta, and the employee promptly began seeking a new permanent residence in Atlanta at that time.

The employee appealed the disallowance of her request for reimbursement of the additional 74 days storage to this Office. On the basis of FTR § 302-8.2(d), we sustained the denial. She appealed again to us emphasizing the unjustness of the situation which caused her to incur the expense of additional storage as a result of the agency's actions and the advice of its agent trying to keep expenses down. A copy of our decision, Linda Towson Hillard, B-259606, June 12, 1995, is enclosed. We have had several other similar cases¹ (see copies enclosed), where we were unable to provide relief. Undoubtedly, many other similar cases have not been appealed to us because the FTR provision is so explicit.

An amendment to the FTR is necessary to aid those similarly situated. In the current environment of change, reinvention, and consolidations of government entities, it appears reasonable to provide civilian agencies the flexibility to permit temporary storage for more than 180 days in specified situations.

We thank you for your attention to this matter. Questions concerning this matter may be referred to Ms. Christine Kopocis, Esq., at (202) 512-2677.

Sincerely yours,

/s/Robert P. Murphy
for Robert P. Murphy
General Counsel

Enclosures

¹David C. Funk, B-227488, Dec. 29, 1987, and cases cited therein; Dorcas Terrien, B-218675, Oct. 31, 1985.

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DIGEST

Letter to General Services Administration recommends that GSA consider amending the Federal Travel Regulation to permit extensions of temporary storage beyond 180 days for civilian employees. The amendment would enable agencies to authorize temporary storage for over 180 days at government expense for civilian employees in appropriate circumstances. This would make the Federal Travel Regulation provision consistent with the provision in the Joint Federal Travel Regulation which authorizes such extensions in appropriate circumstances for military personnel.



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December 28, 1995

Ms. Linda T. Hillard
4572 Montauk Road
Lilburn, GA 30247

Dear Ms. Hillard:

We are in receipt of your June 21, 1995, request for reconsideration of our decision dated June 12, 1995, denying your claim for reimbursement of \$1,200 for 74 additional days of temporary storage of household goods pursuant to a permanent change of station.

We have been presented with no new facts or evidence which would cause us to change our decision. The affidavits you submitted suggest that you relied on the advice of a government official that turned out to be erroneous. Unfortunately, reliance on the erroneous advice of a government official may not serve as the basis for payment of a claim if the expense in question was not authorized by law or regulation. See Bryon A. Hartley, B-252488, June 17, 1993. The Federal Travel Regulation maximum limit of 180 days' household goods storage is without exception. See 41 C.F.R. § 302-8.2(d) (1994). As a result, we must sustain our denial.

Enclosed is a copy of the letter we have sent to the General Services Administration recommending that it consider amending the Federal Travel Regulation to give agencies authority to extend temporary storage for civilian employees past 180 days in specified situations.

We regret that we cannot be more helpful in your particular case.

Sincerely yours,

/s/Robert P. Murphy
for Robert P. Murphy
General Counsel

Enclosure