

Board of Contract Appeals
General Services Administration
Washington, D.C. 20405

May 21, 1997

GSBCA 13798-RELO

In the Matter of BRIAN P. GARRIFFA

Brian P. Garriffa, San Antonio, TX, Claimant.

Al LaBombard, Chief, Employee Accounts Division, Veterans Affairs Finance Center, Austin, TX, appearing for Department of Veterans Affairs.

HYATT, Board Judge.

Claimant, Brian P. Garriffa, an employee of the Department of Veterans Affairs (VA), requests review of the VA's disapproval of his claim for reimbursement of certain expenses incurred in connection with his permanent change of station from Anchorage, Alaska to San Antonio, Texas.

Claimant moved from Anchorage to accept a position at the Audie L. Murphy Medical Center in San Antonio. The transfer was for the convenience of the Government. After his travel authorization was revised several times, claimant was told by his immediate supervisors to report for duty in San Antonio in one week. This did not leave Mr. Garriffa sufficient time to drive his privately owned vehicle from Alaska to Texas. Mr. Garriffa requested that the reporting date be extended for approximately two weeks, but his request was denied.

Given the time constraints, claimant decided first to have his spouse, who planned to join him in Texas several months later, try to sell the vehicle; if the car did not sell, it would be shipped to Texas. His immediate supervisors assured him that there would be no problem with reimbursement of shipping costs for the vehicle. Mr. Garriffa flew to San Antonio and reported for duty as directed. He rented an automobile for local transportation and for purposes of house hunting in his off duty hours. Meanwhile, his spouse had been unable to sell the car quickly, so he decided to have it shipped, since the rental car was becoming unaffordable.

Mr. Garriffa claimed the cost of shipping his vehicle from Alaska to Texas (\$1,846.90) and the cost of car rental (\$687.74)

for the thirty day period it took to ship his vehicle from Alaska to San Antonio. The VA Finance Center determined that these expenses were not authorized under the Federal Travel Regulation (FTR) and declined to pay them. The Finance Center explained that the pertinent regulation does not permit reimbursement of shipping costs for a privately owned vehicle unless it is a vehicle which had previously been shipped to Alaska. Claimant was not transferred to Alaska by the Government and had purchased his car in Alaska when he moved there. A rental car had not been authorized, so this expense was also denied.

With respect to shipment of a privately owned automobile, at government expense, from a point outside the continental United States (which includes Alaska) to a new duty station within the continental United States, under statute, 5 U.S.C. § 5727(b) (1994), and the implementing regulation in the FTR, eligibility for shipment of vehicles is expressly limited to vehicles which originally were shipped from the United States to the duty station outside the continental United States. 41 CFR 302-10.3(b) (1995). Since Mr. Garriffa's car was purchased in Alaska, there is no regulatory authority that permits the VA to pay for the cost of shipping the vehicle to San Antonio. See Daniel W. Krieber, B-229191 (Aug. 17, 1988).

Mr. Garriffa, in requesting that this claim be reviewed, explains that he understands that the regulations would not ordinarily allow for payment of the shipping costs for his automobile, but he feels that an exception should be made in his circumstances, where there was no time for him to exercise the option to drive the car to San Antonio, and he was assured that shipping costs would be reimbursed. Absent a statutory or regulatory provision allowing for reimbursement of a particular relocation expense, however, neither the agency nor the Board may authorize its payment, despite the fact that an employee may have incurred costs in good faith reliance on erroneous advice. See, e.g., Kevin S. Foster, GSBICA 13639-RELO, 97-1 BCA ¶ 28,688, at 143,294 (1996) (citing Office of Personnel Management v. Richmond, 496 U.S. 414 (1990); Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947)).

With respect to the rental car expenses, Mr. Garriffa notes that a rental car could be authorized for house-hunting, and that he in fact used the rental car for house-hunting during the period he was in temporary quarters in San Antonio awaiting the arrival of his privately owned automobile. The regulatory provision permitting authorization of a rental car for house-hunting, however, is limited to a house-hunting trip in advance of actually relocating and does not apply where the employee has already reported for duty at the new station. See 41 CFR 302-4.1 to 4.2. Once the employee has reported for duty at the new official station, and is receiving temporary quarters and subsistence expenses, local transportation may not be authorized for any purpose. 41 CFR 302-5.4(a); Thomas S. Ward, GSBICA 13825-RELO (Apr. 18, 1997).

Accordingly, under applicable provisions of the FTR, we have no authority to permit reimbursement of these expenses.

CATHERINE B. HYATT
Board Judge