

DATE: June 2, 1997

In Re:

[Redacted]

Claimant

Claims Case No. 96123013

CLAIMS APPEALS BOARD DECISION

DIGEST

A member incurred expenses en route to her home of selection for retirement due to delays in the pickup of her household goods. Her claim for reimbursement for those expenses is denied because there is no authority in statute or regulation which would allow reimbursement.

DECISION

This is in response to an appeal of DOHA's Settlement Certificate, DOHA Claim No. 96081226 (December 5, 1996), which denied the claim of a retiring member for expenses she incurred in traveling to her home of selection after retirement.⁽¹⁾

Background

The record indicates that the member retired from active duty on May 31, 1995, and was transferred to the United States Navy Fleet Reserve. At the time of her retirement, she was stationed in San Diego, California. She traveled by bus to Charlotte, North Carolina, via Corpus Christi, Texas, where she had household goods and an automobile in storage. Due to delays in the pickup of her household goods, she incurred expenses for temporary lodging, meals, automobile storage, taxicab fares, and telephone calls. For the busfare and the other expenses listed above, the member filed a claim with the Defense Finance and Accounting Service

(DFAS) in the amount of \$2,719. Under Volume 1 of the Joint Federal Travel Regulations (JFTR), paragraph U5130, she was entitled to travel and transportation allowances for travel to her home of selection after retirement. Based on the options in 1 JFTR para. U5105, she was reimbursed for the cost of the busfare (limited to the cost the government would have paid for the fare via a direct route) plus four days of per diem at \$26 per day. These items amounted to \$247. The \$2,472 balance of the claim (\$2,719-\$247) was denied. In the Settlement Certificate, this Office agreed with DFAS's handling of the member's claim.

Discussion

Travel and transportation allowances to which a member is entitled for travel under orders are set forth in Chapter 7 of Title 37 of the United States Code. The implementing regulations are found in Volume 1 of the JFTR. The government's liability for such allowances is limited to that provided by law and regulations. See DOHA Claims Case No. 97031401 (April 9, 1997).

The Settlement Certificate set out the specific amount claimed by the member for each item of expense, the statute or regulation involved, and at least one Comptroller General decision which denied a claim for that type of expense. The decisions cited make it clear that the government is not liable for expenses that a member incurs due to a delay in the shipment of household goods. We have reviewed the Settlement and find no error of fact or law.

The Claims Appeals Board is an adjudicatory body. We must base our decisions on the relevant laws and regulations. In this instance, volume 1 of the JFTR enumerates the specific travel expenses set out generally in Chapter 7 of Title 37 of

the United States Code. Where, as here, there is no provision in the JFTR for payment of certain travel expenses, we cannot allow payment. See DOHA Claims Case No. 97031401, supra. While it is unfortunate that the member found it necessary to incur the expenses listed in her claim, there is no statutory or regulatory basis upon which to allow reimbursement beyond that already allowed.

Conclusion

We affirm the Settlement.

_/s/ _____

Christine M. Kopocis

Member, Claims Appeals Board

_/s/ _____

Joyce N. Maguire

Member, Claims Appeals Board

_/s/ _____

Jean E. Smallin

Member, Claims Appeals Board