

DATE: April 9, 1997

In Re:

[Redacted]

Claimant

Claims Case No. 97031401

CLAIMS APPEALS BOARD DECISION

DIGEST

A member seeks reimbursement of car rental expenses he incurred when he arrived at his new duty station before his automobiles did. He may not be reimbursed since 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. 96081207 (December 9, 1996), in which we denied the claim of an Air Force member for reimbursement of rental car expenses he incurred incident to a permanent change of station (PCS) in 1995.

Background

Under orders dated October 6, 1995, the member was transferred from RAF Lakenheath, England, U.K., to Brooks AFB, Texas (Brooks). He was ordered to report to Brooks no later than October 31, 1995. He turned in one automobile for shipment by a private company on October 13 and another for shipment by the government on October 20. He travelled to Brooks with his family on October 31. Because the automobiles would not arrive in Texas for some time, the member rented an automobile when he arrived at Brooks. He was able to pick up the first automobile on November 22, and he turned in the rental car at approximately the same time. He claimed reimbursement of the car rental charges in the amount of \$562.31. Our settlement denied the member's claim on the grounds that there is no legal authority under which reimbursement may be allowed. The member argues that circumstances required him to rent a car to transport his family for house hunting and other errands.

Discussion

In our settlement of the member's claim, we cited two decisions in which the Comptroller General denied claims for reimbursement of car rental expenses. See Lieutenant Colonel John F. Snyder, USA, B-205113, Feb. 12, 1982; and Leslie G. Snyder, SP5, USA, B-182326, Feb. 27, 1975. In each instance the member incurred expenses when an automobile he shipped at government expense did not arrive in a timely manner. In B-205113 in particular, the member rented a car when his own car was delayed in port for 23 days. The Comptroller General stated that the government's liability is limited to entitlements provided by statute or regulation. ⁽¹⁾ In the absence of such statutory or regulatory authority, reimbursement cannot be allowed.

The case before us is similar to B-205113, supra. While it is unfortunate that the member found it necessary to incur the expense of a rental car during his PCS move, there is no statutory or regulatory basis upon which to allow reimbursement of that expense. In the absence of such a legal authority, payment cannot be made.

Conclusion

We affirm the Settlement.

_____/s/_____

Michael D. Hipple

Chairman, Claims Appeals Board

_____/s/_____

Christine M. Kopocis

Member, Claims Appeals Board

_____/s/_____

Jean E. Smallin

Member, Claims Appeals Board

1. As discussed in the settlement, the statutory basis for a member's entitlement to ship an automobile at government expense is 10 U.S.C. 2634. The regulatory basis for travel entitlements for military members is now volume 1 of the Joint Federal Travel Regulations, which does not provide entitlement to rental car expenses in the circumstances before us.