

October 27, 1998

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In Re:

[Redacted]

Claimant

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Claims Case No. 97051416

## CLAIMS APPEALS BOARD DECISION

### DIGEST

A reservist serving on inactive duty for training (IDT) was incorrectly advised that she would be reimbursed for the cost of the commercial quarters she occupied if she obtained a nonavailability statement for government quarters. She was not entitled to reimbursement for commercial quarters while on IDT. Erroneous information does not provide a basis for payment, since the government is not bound by erroneous information provided by its officers, agents, and employees.

### DECISION

We have been asked to render a decision regarding an Air Force reservist's claim for reimbursement for lodging expense incident to inactive duty for training (IDT).

#### Background

The member is an individual mobilization augmentee (IMA). Pursuant to a series of orders, she performed active duty at Vicenza, Italy, her unit of assignment, from May 20 through August 11, 1996. From August 12 through 23, 1996, she performed IDT at Vicenza. She lived in commercial quarters and was informed that she would be reimbursed for the quarters during her IDT if she obtained a statement of nonavailability. She obtained the nonavailability statement, but was denied reimbursement.

#### Discussion

Decisions on travel claims must be rendered according to the applicable DoD and Air Force regulations. For reservists on IDT who are not receiving per diem or actual expense allowance, paragraph U7150 of volume 1 of the Joint Federal Travel Regulations provides for lodging reimbursement only for transient government housing, which includes contract quarters. Table 4.2, note 6, of Air Force Instruction 34-246 states that IMA members in an IDT or non-per diem status cannot receive voucher reimbursement for lodging expenses. <sup>(1)</sup> A note in appendix 4 of Air Force Manual 34-247 states that nonavailability numbers will not be issued to reservists on IDT.

In the case before us, the member cannot be reimbursed in the absence of a regulation which authorizes reimbursement. We are aware of no regulation which allows a reservist to be reimbursed for private quarters while on IDT. While it is unfortunate that the member was misinformed about her entitlement to reimbursement for quarters, it is a long-standing rule that the government is not bound by the erroneous actions of its officers, agents, or employees. *See* DOHA Claims Case No. 97110304 (January 12, 1998); *Petty Officer John R. Blaylock*, 60 Comp. Gen. 257 (1981).

#### Conclusion

The member's claim for reimbursement of \$836 is denied.

/s/

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Michael D. Hipple

Chairman, Claims Appeals Board

/s/

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Christine M. Kopocis

Member, Claims Appeals Board

/s/

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Jean E. Smallin

Member, Claims Appeals Board

1. Air Force Manual 34-247, appendix 4, explains that lodging expenses for transient government housing, including contract quarters, are to be billed directly to the IMA member's unit. If the service charges for government quarters or room charges for contract quarters are paid by the member, he cannot be reimbursed.