



**Comptroller General
of the United States**

Washington, D.C. 20548

B-226666.2

December 22, 1988

The Honorable Brock Adams
United States Senate

Dear Senator Adams:

This is in response to your letter of September 7, 1988, in which you request that we review correspondence from your constituent, Mr. Michael A. Weedman, concerning a transferred employee's entitlement to reimbursement under the commuted rate system. Mr. Weedman has protested our denial of his claim for \$567.60 in our decision in Michael A. Weedman, B-226666, Nov. 23, 1987.

We have previously written to the Honorable Helen Delich Bentley on March 22, 1988, concerning Mr. Weedman. Mr. Weedman states that we have incorrectly characterized his claim as a request for reimbursement of actual expenses and that he and Congresswoman Bentley have been unsuccessful in gaining our response to the question whether an employee is or is not entitled to reimbursement on a commuted basis under the provisions of the commuted rate system.

Mr. Weedman received a permanent change of station from Louisville, Kentucky, to Aberdeen Proving Ground, Maryland, in October 1984. Travel orders were issued October 5, 1984, which authorized Mr. Weedman to ship his household goods using the commuted rate system and to temporarily store his household goods for 60 days. The commuted rates are published by the Administrator of General Services under the statutory authority contained in 5 U.S.C. § 5724(c) (1982), and are contained in GSA Bulletin FPMR A-2.

The GSA rates in FPMR A-2 are based on the rates in the Household Goods Carriers Bureau Tariff No. 400-C. A problem arose in Mr. Weedman's case when a local tariff rate increase affecting storage charges became effective June 30, 1984. The increase was not reflected by GSA in its Bulletin FPMR A-2 until a new supplement was issued effective January 13, 1985, which also reflected a general across-the-board tariff rate increase. Thus, for approximately 6-1/2 months, the tariff rates were higher than the amount of reimbursement authorized by GSA for storage under

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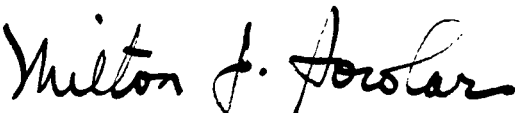
the commuted rate system. It was during this period, on October 17, 1984, that Mr. Weedman reported to his new duty station. Thus, he was reimbursed \$567.60 less than he would have been reimbursed if the higher commuted rates were in effect and \$42.08 less than he paid the carrier.

An employee is entitled to reimbursement under commuted rates in effect at the time the household goods were shipped. As we advised Mr. Weedman in our letter to Congresswoman Bentley, once GSA issues regulations such as GSA Bulletin FPMR A-2 and the corresponding Federal Travel Regulations pursuant to statutory authority, these regulations have the full force and effect of law and may not be waived or modified by GSA or our Office. Dominic D. D'Abate, 63 Comp. Gen. 2 (1983); Charles W. Miller, 60 Comp. Gen. 295 (1981).

As previously stated, Mr. Weedman's claim arose because of an increase in tariff rates that was not picked up by GSA and published until after he moved, and, although retroactive, did not cover the period during which he moved. There is no statutory or regulatory provision that guarantees an employee full reimbursement for his out-of-pocket expenses under the commuted rate method. See John S. Phillips, 62 Comp. Gen. 375 (1983). In this case Mr. Weedman's total out-of-pocket expenses were only \$42.08. Mr. Weedman requests that he be reimbursed approximately \$567 more than he received on the basis of commuted rates that were not in effect at the time he shipped his household goods. We believe there is no authority for such reimbursement.

We trust that this is responsive to your inquiry. We are enclosing copies of our response to Congresswoman Bentley of March 22, 1988, and our decision Michael A. Weedman, B-226666, supra, for your information.

Sincerely yours,

for 
Comptroller General
of the United States

Enclosures