

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

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FILE: B-199517

DATE: December 24, 1980

MATTER OF: Joseph M. Posid - Claim for Storage Charges
of Privately Owned Vehicle

DIGEST: Storage charges on privately owned vehicle transported to employee's new permanent duty station are not payable by Government even though employee's temporary duty assignment prevented acceptance of vehicle upon delivery. Government's liability for storage charges is limited to emergency situations, 5 U.S.C. § 5726(a) (1976) and Federal Travel Regulations (FPMR 101-7) para. 2-10.5 (May 1973).

William A. Shepard, Acting Director, Financial Management Office of the Center for Disease Control, Department of Health and Human Services, has requested a decision concerning Mr. Joseph M. Posid's claim for reimbursement for storage charges for his privately owned vehicle.

Mr. Posid was authorized a permanent change of station from New York, New York, to San Juan, Puerto Rico, effective August 12, 1979. Shipment of his automobile to San Juan was also authorized. Mr. Posid, however, was unable to accept delivery of the automobile since he was on a temporary duty assignment in New York from August 29 to September 16. During this period, the automobile was placed in storage, the charges for which are being claimed by Mr. Posid.

Transportation of privately owned vehicles may be authorized in connection with a transfer to an official station outside the conterminous United States. 5 U.S.C. § 5727 (1976). The storage of household goods including privately owned vehicles is governed by 5 U.S.C. § 5726(a) (1976) which provides in part that:

"'household goods and personal effects' means such personal property of an employee and his dependents as the President may by regulation authorize to be transported or stored, including, in emergencies, motor vehicles authorized to be shipped at Government expense."

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The above provision has been implemented in the Federal Travel Regulations (FTR) paragraph 2-10.5 (FPMR 101-7) (May 1973), which provides in part:

"2-10.5 Emergency storage.

"a. Conditions. Under regulations prescribed by the head of the agency concerned, emergency storage of a privately owned vehicle may be allowed at Government expense under the following conditions:

"(1) The vehicle was transported or authorized to be transported at Government expense as provided in this part.

"(2) The employee is stationed at a post of duty at which the use of the vehicle has been determined to be in the interest of the Government, and while the employee is stationed there, the head of the agency concerned designates the post of duty as being within a zone from which the employee's immediate family and household goods should be evacuated for any of the reasons specified in 5 U.S.C. 5725.

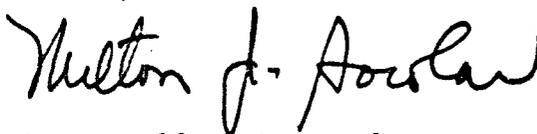
"b. Place of storage. Storage may be allowed at the place to which the employee's immediate family and household goods are evacuated or at another suitable place not more distant from the evacuation area. If the vehicle is being shipped to the employee at time evacuation is ordered, the vehicle may be diverted to storage at a suitable place en route."

Thus, the provisions of the statute and the Federal Travel Regulations are restrictive in that they prohibit the approval of any claim other than one arising in an emergency situation. Further, the reasons for the evacuation specified in 5 U.S.C. § 5725 (1976), and referred to in paragraph 2-10.5a(2) above of the FTR, are those

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which because of military or other reason create imminent danger to life or property, or adverse living conditions which seriously affect the health, safety, or accommodations of the immediate family. Although Mr. Posid's temporary duty assignment prevented him from accepting immediate delivery of his automobile, this did not create an emergency, or an emergency situation as contemplated by the statute and regulations, which would make the Government liable for storage charges. Cf. Sharon R. Raemaeker, B-189826, April 7, 1978, and 42 Comp. Gen. 181 (1962).

Accordingly, we must conclude that payment should not be made on this claim.

A handwritten signature in black ink, reading "Milton J. Fowler". The signature is written in a cursive style with a large initial "M".

For the Comptroller General
of the United States