



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 4, 2007

CBCA 827-RELO

In the Matter of LINDA E. MOHAN

Linda E. Mohan, San Antonio, TX, Claimant.

Ruby L. Condel, PCS Technican, PCS Section, 37th Comptroller Squadron, Department of the Air Force, Lackland Air Force Base, TX, appearing for Department of the Air Force.

DeGRAFF, Board Judge.

In July 2001, the Department of Defense (DoD) transferred Linda E. Mohan from the United States to Germany. As authorized by DoD, Ms. Mohan shipped a privately owned vehicle, a Cadillac, to her new duty station at the agency's expense. In January 2005, Ms. Mohan paid to ship the Cadillac back to the United States in connection with the return of one of her sons. In January 2007, DoD transferred Ms. Mohan from Germany to the United States and authorized her to ship a privately owned vehicle to her new duty station at DoD's expense. She shipped a Volvo to the United States and DoD reimbursed her shipping costs. DoD decided not to reimburse the costs Ms. Mohan incurred in January 2005, when she shipped the Cadillac from Germany to the United States, and Ms. Mohan asks us to review this decision.

By statute, an agency may authorize an employee to ship a privately owned vehicle in certain circumstances. 5 U.S.C. § 5727 (2000). The Joint Travel Regulations (JTR) which implement the statute and which applied to civilian employees of DoD when Ms. Mohan transferred to Germany in July 2001 (JTR C11003-B), when she shipped the Cadillac to the United States in January 2005 (JTR C5212-B), and when she transferred to the United States in January 2007 (JTR C5212-B), provide DoD could authorize the shipment of a privately owned vehicle from outside the continental United States to the continental United States

when an employee met specified eligibility requirements and when the employee either completed a tour of duty outside the continental United States and returned to the United States due to a transfer or separation from service, was transferred to the United States for the Government's convenience before completing a tour of duty outside the continental United States, or was no longer authorized to have a privately owned vehicle outside the continental United States. The regulations did not authorize DoD to reimburse an employee who shipped a vehicle in connection with the return to the United States of an employee's dependent.

Applying the regulations to the facts presented by Ms. Mohan's claim, we conclude DoD correctly decided not to reimburse Ms. Mohan for the costs she incurred in January 2005, when she shipped the Cadillac from Germany to the United States. DoD could have reimbursed Ms. Mohan if she had returned to the United States because she transferred or separated from service in January 2005, or if DoD had determined she was no longer authorized to have a privately owned vehicle in Germany. Ms. Mohan did not return to the United States in January 2005, however, and nothing in our record suggests she was no longer authorized to have a vehicle in Germany. Ms. Mohan decided to ship the Cadillac to the United States when one of her sons returned there from Germany, and DoD is not authorized to reimburse an employee for shipping a vehicle to the United States when an employee's dependent returns from outside the continental United States. Thus, no authority exists which would allow DoD to reimburse Ms. Mohan the shipping costs she incurred in January 2005.

Ms. Mohan says she was given incorrect advice by agency employees when she asked whether DoD would reimburse her for shipping the Cadillac. Incorrect advice, however, does not provide DoD with a source of authority to expend public funds contrary to statute and regulation. *Beth A. Wilson*, CBCA 600-RELO, 07-1 BCA ¶ 33,546.

The claim is denied.

MARTHA H. DeGRAFF
Board Judge