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5. In view of the development of the intention of the Chief, [redacted] to authorize the maximum allowable for shipment of household effects from an overseas point on a PCS to headquarters and the opinion rendered 11 June 1979 with respect to Agency Regulation [redacted] by Mr. [redacted] of your office, the question has arisen as to whether or not the charges for the shipment of Mr. [redacted]'s household effects in excess of 4500 lbs. is properly chargeable to Government funds.

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6. If it is concluded that Travel Order [redacted] dated 30 December 1977, can be modified retroactively to increase the weight allowance to cover the household effects shipped under the order, the indebtedness against Mr. [redacted] may be canceled.

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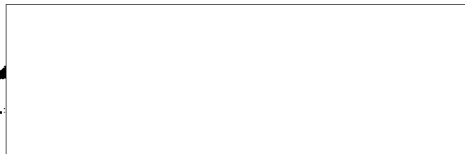
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7. With respect to retroactively modifying travel orders, your attention is directed to the following Comptroller General Decisions:

- a. 23 Comptroller General 713, ". . . when travel is performed under the orders and such legal right may not be divested or modified by subsequent administrative action, and, therefore, except to correct or to complete the orders to show the original intent, travel orders may not be revoked or modified retroactively so as to increase or decrease the rights which have accrued or become fixed under the applicable statutes, regulations and orders for travel already performed."
- b. 28 Comptroller General 732, "The fact that an administrative office would have authorized a higher rate of per diem . . . had it known that such higher rate was permissible . . . is not sufficient to warrant any exception to the established rule that a rate of per diem fixed by travel orders may not be increased retroactively."

Also see 35 Comptroller General 148.

8. Your consideration of the question and your opinion relative thereto will be appreciated.



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JLC/mjr

Distribution:

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- 1 - Signer's copy
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- 1 - [redacted]

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