



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: John W. Richardson, Jr. - Cost of Daughter's
Travel - Change of Duty Station
File: B-219480
Date: September 22, 1986

DIGEST

Employee was transferred from Washington, D.C., to Ogden, Utah. He had been divorced and legal custody of his daughter had been awarded to his former wife who lived in Claremont, California. Although the daughter had resided with employee for some 10 months prior to employee's transfer, at the time employee reported to his new duty station he was neither accompanied by his daughter nor did she later join him in Utah. Under the Federal Travel Regulations, a dependent must be a member of the employee's household at the time he or she reports for duty. Accordingly, employee may not be reimbursed for the cost of his daughter's travel from his old duty station to his former spouse's home upon his transfer.

DECISION

This decision is in response to a request by Mr. W. D. Moorman, Authorized Certifying Officer, National Finance Center, United States Department of Agriculture, as to whether a travel voucher submitted by Mr. John W. Richardson, Jr., an employee of the Forest Service, may be certified for payment. The issue presented is whether Mr. Richardson is entitled to reimbursement for the cost of an airline ticket for his daughter Kristina incident to his change of official station. For the reasons stated below, the travel voucher may not be certified for payment.

By travel authorization dated May 30, 1984, Mr. Richardson was authorized a permanent change of station from Reston, Virginia, to Ogden, Utah. At the time that he was notified of the transfer, his daughter was residing with him.

The travel authorization listed Mr. Richardson's immediate family as consisting of his daughter, Kristina Renee, age 14. Common carrier (airlines) transportation was authorized for the employee and his daughter.

The record discloses that Mr. Richardson was divorced in February 1983. Mrs. Richardson was awarded legal custody of Kristina. However, by mutual agreement between Mr. Richardson and his former wife, Kristina had resided with Mr. Richardson since August 1983 and attended school in Reston, Virginia, during the 1983-84 school year. Mr. Richardson states that, at the time of his transfer, he and his former wife were considering allowing Kristina to remain with him for the summer so that she could attend a soccer camp in Virginia. He and his former wife were also considering allowing Kristina to continue to live with Mr. Richardson and to attend school in Reston during the 1984-85 school year so that she could play in the fall soccer league.

In submitting his request for authorization to travel, Mr. Richardson included Kristina for travel, transportation, and temporary quarters benefits. Prior to commencement of travel, however, Kristina was injured while playing in a soccer tournament. The parents then agreed that it would be too difficult for Kristina to make the long trip cross-country by automobile and to be left unattended in temporary quarters while her father was working and looking for a permanent residence. Hence, they agreed that it would be in the best interests of Kristina for her to live with her mother in Claremont, California. An airline ticket was purchased at a cost of \$269 and Kristina traveled to Claremont.

Paragraph 2-2.2a of the Federal Travel Regulations (September 1981) (FTR), incorp. by ref., 41 C.F.R. § 101-7.003 (1985), provides that the cost to the Government for transportation of the employee's immediate family shall not exceed the allowable cost by the usually traveled route between the employee's old and new official stations. Accordingly, Mr. Richardson has submitted a travel voucher requesting reimbursement of \$168, representing the cost of a one-way airline ticket for Kristina from Washington, D.C., to Claremont, California, not to exceed the airline fare from Washington, D.C., to Salt Lake City, Utah.

The certifying officer asks the following questions:

- "1. Since Kristina was residing with Mr. Richardson at the time he was notified of his transfer, would she be considered a member of his immediate family even though Mrs. Richardson had legal custody of her?
- "2. If Mr. Richardson's daughter had transferred with him to his new official station, would he have been allowed reimbursement for transportation and temporary quarters on her behalf, even though Mrs. Richardson had legal custody?"

The statutory basis for reimbursement of the transportation expenses of the immediate family of a Federal employee is contained in 5 U.S.C. § 5724(a)(1). The definition of the phrase immediate family in FTR para. 2-1.4d (Supp. 4, August 23, 1982), includes the employee's children who are unmarried, under 21 years of age, and members of the employee's household "at the time he/she reports for duty at the new permanent duty station * * *."

Although her mother had legal custody of her, Kristina may well have been regarded as a member of Mr. Richardson's household when he lived in Virginia. Under the express terms of FTR para. 2-1.4d, however, the relevant question in this case is whether Kristina was a member of Mr. Richardson's household at the time he reported for duty in Utah. Clearly the answer to this question is no. As indicated above, Kristina did not accompany her father to Utah, nor did she later join him to live in Utah. Instead, she went to live with her mother in California. Accordingly, there is no basis under FTR para. 2-1.4d to allow the claim.

for 
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