

DECISION

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

11/15/85
PLM-II
31921

FILE: B-217723**DATE:** August 12, 1985**MATTER OF:** Dr. Chih-Wu Su**DIGEST:**

An employee appointed to a manpower shortage position was not issued orders authorizing travel and transportation allowances to his first duty station but was advised that family travel and transportation of household goods had to be accomplished within 1 year. Since these entitlements are in accordance with the statute and regulations, original orders by competent authority to perform the travel and transportation may be issued. Such orders may permit travel within the 2-year period authorized by the Federal Travel Regulations unless there is a mandatory agency regulation limiting travel and transportation in these circumstances to 1 year after the appointment.

An appointee to a manpower shortage position in the Coast Guard was not issued orders authorizing travel and transportation expenses for himself, his immediate family and household goods to his first duty station when appointed. We are asked whether orders may now be issued to pay applicable allowances for transportation of his family and household goods.^{1/} Since these entitlements are authorized by statute and the employee has 2 years from the effective date of his appointment for beginning allowable travel and transportation under the Federal Travel Regulations, appropriate orders may be issued.

On February 4, 1984, Dr. Chih-Wu Su was appointed as a career-conditional Research Chemist, GS-1320-12, which is a manpower shortage position. Federal Personnel Manual,

^{1/} Mr. Thomas F. Fisher, Chief, Civilian Personnel Division, United States Coast Guard, has submitted this request for a decision.

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Chapter 571, Appendix A. His first duty station was the United States Coast Guard Research and Development Center, Groton, Connecticut. Prior to his appointment, he executed an employment agreement under which in consideration of the payment of his travel and the expense of transportation of his immediate family, household goods and personal effects from Grafton, Virginia, to Groton, Connecticut, he agreed to remain in the Government service for at least 1 year from the date of his entrance on duty with the United States Coast Guard.

At the time of his appointment, Dr. Su advised his personnel office that he would not move his family from Grafton, Virginia, to Groton, Connecticut, immediately, but would contact personnel at a later date with information regarding their move and the shipping of household goods. Dr. Su was advised that he had 1 year to begin allowable travel and transportation of his family; however, travel orders were not prepared and issued to Dr. Su at the time of his appointment or thereafter.

Dr. Su has requested that he be allowed to move his household goods and family sometime in September 1985. The submission questions whether retroactive travel orders may be issued entitling him to the travel and transportation expenses of a new employee in a manpower shortage position. Also, it appears that the Coast Guard questions whether it is bound by the stated 1-year limit on beginning transportation.

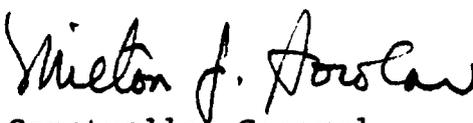
An agency may pay the travel expenses of a new appointee to a position for which there is a manpower shortage and transportation expenses of his immediate family and household goods and personal effects. 5 U.S.C. § 5723(a) (1982). Paragraph 2-1.5a(2), Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR), as amended by GSA Bulletin FPMR A-40, Supp. 4, October 1, 1982, provides that all travel, including that for the immediate family, and transportation of household goods shall be accomplished as soon as possible and that the maximum time for beginning allowable travel and transportation shall not exceed 2 years from the effective date of the employee's appointment.

As a general rule, written authorization should be obtained prior to incurrence of travel or transportation expenses. However, payment of allowances is authorized when through administrative oversight no travel orders have been issued prior to travel in circumstances where it is clear

that the agency intended the individual to travel and be reimbursed for his expenses. Paragraph 1-1.4d of the Federal Travel Regulations, incorp. by ref., 41 C.F.R. § 101-7.003; Robert Gray, B-203820, October 19, 1981.

As an employee in a shortage category position, Dr. Su may be paid for his travel to his first duty station and the expense of transportation of his immediate family, household goods, and personal effects to that place. Although he was informed that he had 1 year to begin allowable travel and transportation of his dependents, under the Federal Travel Regulations this travel and shipment of his household goods may be performed at a time not to exceed 2 years from the effective date of his appointment. Unless there is a mandatory provision in Department of Transportation or Coast Guard regulations imposing a 1-year limit, Dr. Su may be authorized to bring his dependents and household goods to his first duty station at any time within the 2-year period.

Appropriate orders may be issued effective the date of Dr. Su's appointment. Since no prior orders were issued due to an administrative error, these orders are original orders confirming oral authorization by competent authority to perform the travel and transportation in accordance with the statute and regulations. Such orders are not to be considered retroactive modification of travel orders; rather, they are original travel orders authorizing and approving travel in connection with Dr. Su's appointment to a shortage category position.

for 
Comptroller General
of the United States