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**DECISION**



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

FILE: D-169392

DATE: ~~OCT~~ 28 1976

MATTER OF: Steven F. Kinsler - Change of Permanent Duty Station

DIGEST: Employee notified while at temporary duty station that temporary duty station has been changed to permanent duty station may be reimbursed for round-trip travel expenses from new station to old station for purpose of arranging and affecting move of family and household effects.

This action is in response to a request from the Director of the Financial Management Division, Regional Commissioner of Customs, U.S. Customs Service, for reconsideration of a decision by the Approving Officer, Patrol Division, U.S. Customs Service, disallowing various expenses incurred by Steven F. Kinsler incident to a change of his permanent duty station.

The record shows that in December 1973, while Mr. Kinsler was on temporary duty in San Diego, California, he was notified that his permanent duty station had been changed from New York, New York, to San Diego with an effective date of November 25, 1973. Mr. Kinsler did not return to New York until August 10, 1974, at which time he made arrangements to sell his house and move his family to San Diego. After his return to San Diego, Mr. Kinsler submitted a travel voucher for the expenses incurred. His request for reimbursement for air fare from San Diego to New York and for cab fare from John F. Kennedy Airport to his home on Long Island was disallowed. Although his wife received per diem for the return trip by car, Mr. Kinsler's claim for per diem during that period was also denied.

The personnel involved in the transfer were not allowed to return to their old post of duty immediately because it would disrupt the operations. In December 1973 and January 1974, however, they were allowed to return in groups of three. Mr. Kinsler's delay in returning was based upon his understanding that he had 1 year to effect the move to his new post of duty. Apparently, the other employees have been reimbursed for expenses of the round-trip return. The disallowance in Mr. Kinsler's case is understood to have resulted from his return having occurred several months later than the other employees.

B-169392

It has long been held that when an employee is permanently assigned to the location where he is on temporary duty, the transfer of his permanent duty station is effective on the date he receives notification of it. 23 Comp. Gen. 342 (1943); 24 id. 593 (1945); 30 id. 94 (2nd decision) (1950); B-160012, October 27, 1966; B-175881, June 16, 1972. We have held, therefore, that in such situations, the employee has in fact traveled to the new duty station at Government expense and that the Government's obligation to transport him to that location as an incidence of transfer has been satisfied. As a result, employees on temporary duty at a place which has become their permanent duty station have not been allowed reimbursement for expenses incurred while returning to their old duty stations in order to make moving arrangements. Such trips have been regarded as personal and not related to official government business. B-74659, September 30, 1948; B-107864, February 28, 1952; B-140119, April 6, 1960; B-167022, June 18, 1969.

Those decisions, however, were overruled in Comptroller General decision B-167022, July 12, 1976. In that case the officers and crew of a National Oceanic Atmospheric Administration vessel were notified, while the ship was in Seattle, Washington, that the vessel's home port was to be changed from Miami, Florida, to Seattle. We held that they could be reimbursed for round-trip travel from Seattle to Miami for the purpose of arranging and effecting the transportation of their families and household effects. We based this decision on our interpretation of the intent of Congress concerning the various entitlements, including transportation of family and household effects to the new duty station and reimbursement of certain real estate transaction expenses, granted to a transferred employee under sections 5724 and 5724a of title 5 of the United States Code. As we stated in B-167022, July 12, 1976, while it might be possible for an employee to arrange for the transportation of his family and household effects and the sale of his former residence by mail or telephone, we recognize that many necessary arrangements for relocating an entire household cannot always be accomplished from the new duty station and may be done more satisfactorily when the employee is physically present at his old station. We do not believe it was intended that employees be so restricted in availing themselves of the relocation allowances granted them by Congress for the express purpose of alleviating the burdens that are involved

2-169392

in uprooting a family and relocating it to a different geographic area. If there had been no transfer of the home port of the DISCOVERER, the officers and crew members would have been returned at Government expense to their duty stations of Miami, Florida.

In light of the particular facts stated above, Mr. Kinsler may be reimbursed for the travel expenses he incurred while returning to New York, and, in addition, may be allowed per diem for his trip back to San Diego. Accordingly, the voucher may be certified for payment insofar as otherwise proper and with appropriate deductions for overpayments of per diem made in connection with Mr. Kinsler's wife's travel.

Deputy

N. F. KELLER

Comptroller General  
of the United States