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DECISION

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

FILE: B-200421 **DATE:** July 20, 1981

MATTER OF: William R. Clayton - Wife's House-hunting Trip

DIGEST: Employee transferred from Washington, D.C., to San Francisco, left Washington on authorized house-hunting trip on August 2, 1980, pursuant to travel order dated July 3, 1980. On August 2, 1980, while in San Diego en route to San Francisco, employee got married. Employee may not be reimbursed for wife's expenses of house-hunting trip to San Francisco since, 1. wife never was authorized a househunting trip in advance, 2. lack of advance approval was not due to administrative error and 3. no advance verbal authorization of wife's travel was made.

Mr. E. B. Kirkpatrick, an Accounting and Finance Officer with the Defense Investigative Service (DIS), Department of Defense, has requested our decision on the entitlement to reimbursement of Mr. William R. Clayton, a DIS employee, for house-hunting travel expenses incurred by Mr. Clayton's wife.

The record shows that Mr. Clayton was authorized a permanent change of station move from Washington, D.C., to San Francisco, California, by orders issued on July 3, 1980. The travel order authorized Mr. Clayton round trip travel to San Francisco to seek permanent residence. The travel order indicated "Not Authorized" in the space applicable to authorization of dependent travel, as Mr. Clayton was single at the time.

Mr. Clayton departed on his house-hunting trip on August 2, 1980, leaving from Washington, D.C., at 9:45 a.m. and arriving in San Diego, California, at 11:40 a.m. Mr. Clayton was married in San Diego at 5:30 p.m. on August 2, 1980, and on August 4, 1980, Mr. Clayton and his wife departed San Diego at 7:30 a.m., arriving in San Francisco at 5:40 p.m.

[Request for Reimbursement of Wife's House-Hunting Travel Expenses]

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that day. The period of August 4, 1980, through August 6, 1980, was used to seek a permanent residence. After being on leave from August 7, 1980, through August 22, 1980, Mr. Clayton and his wife left San Diego on August 23, 1980, at 1 p.m., arriving back in Falls Church, Virginia, at 9:45 p.m.

An amended travel order was subsequently issued authorizing transportation from Washington, D.C., to San Francisco for Mrs. Clayton and providing for increased weight for household goods and increased mileage allowances. Mr. Clayton has asked whether he also could claim his wife's expenses, per diem and transportation, for the period of August 4, 1980, through August 6, 1980, when Mr. Clayton and his wife were looking for a residence, and for August 23, 1980, the day of their return to Washington, D.C.

Mr. Kirkpatrick, in his submission, states the issue as follows:

> "I am unable to determine his [Mr. Clayton's] wife's entitlements under the provisions of Volume II, Joint Travel Regulations. Specifically, since Mr. Clayton complied with his travel order at 0815 hours on 2 August 1980, are there any entitlements to per diem and air travel for his wife in connection with a trip to seek a permanent residence? Also, since the travel order indicates '<u>round</u> trip travel to seek a permanent residence', does this preclude all entitlements or partial entitlements for an individual who was not the spouse of the member for the entire period of the travel?"

The payment of travel expenses incident to a house-hunting trip is provided for at paragraph 2-4.1a, of the Federal Travel Regulations, (FTR) (May 1973), FPMR 101-7, as follows:

> "Payment of travel and transportation expenses of the employee and spouse traveling together, or the employee or spouse traveling individually in lieu of travel by the other or together, for one round trip between the localities of the old and new duty stations for the purpose of seeking residence quarters, may be authorized when circumstances warrant. * * *"

Under the above regulation, even though an employee may be authorized a house-hunting trip for himself, there is no requirement that the opportunity extend to his spouse. Paragraph 2-4.1a gives the agency involved discretion as to whether the benefits of a house-hunting trip should be extended to the employee or to his spouse or to both. Patrick J. Twohig, B-185511, March 3, 1976. No authorization for a house-hunting trip was ever made for Mr. Clayton's wife.

In addition, the applicable regulations do not authorize a retroactive determination of entitlement to house-hunting trip expenses. Patrick S. Twohig, above. The following language of FTR paragraph 2-4.3c expressly requires advance authorization for house-hunting trips:

> "c. Authorization prior to trip. The trip for finding residence quarters shall not be made at Government expense unless a permanent change of station travel order has been issued which includes authorization for the round trip and mode of transportation and period of time allowed for the trip, specifies the date for reporting at the new official station, and indicates that the employee has signed the required agreement. An employee shall be in a duty status during the authorized round trip period of absence."

Under the above-quoted regulation we have held that, with two exceptions, the failure of advance written authorization is fatal to an employee's claim for house-hunting expenses. B-175802, July 24, 1972; B-179449, November 26, 1973; Blaine B. Buntrock, B-181260, September 20, 1974, and James S. Mayes, B-182508, June 3, 1975. The first circumstance in which house-hunting expenses have been allowed notwithstanding a lack of prior written authorization is the case in which the lack of proper authorization is the result of an administrative error. Administrative errors which may be retroactively corrected by subsequent authorization are those in which the failure of advance authorization does not comport with the specific intent of the appropriate authorizing official. B-179449, above. In this case there is no indication that the lack of advance approval was the result of such an error.

The second situation in which the requirement for advance written authorization has been held less than absolute is the situation in which a subsequent written expression of authority is merely an affirmation of advance verbal or other informal authority granted by an official properly vested with authority to grant entitlement to a house-hunting trip. B-170329, October 19, 1970, and B-175938, November 16, 1972. In this case, however, there was of course no advance oral authorization.

Accordingly, for the reasons stated above, Mr. Clayton may not be reimbursed his subsequently acquired wife's househunting trip expenses.

Shelton J. Dorsey

Acting Comptroller General
of the United States