



Comptroller General
of the United States

Washington, D.C. 20548

B-237667

April 27, 1990

To the Congress of the United States:

Pursuant to 31 U.S.C. § 3702(d) (1988), we submit the following report on the claim of Mr. Norman R. Ricks, which we believe deserves the consideration of the Congress as a meritorious claim.

Mr. Ricks, who was previously employed in the private sector and resided in Issaquah, Washington, was appointed to a manpower shortage position with the National Oceanic and Atmospheric Administration in Idaho Falls, Idaho. Mr. Ricks was erroneously advised by agency personnel that he was entitled to real estate expenses in connection with his relocation and his travel orders explicitly authorized such expenses. Mr. Ricks states that he accepted the position, which involved a 23 percent cut in pay from his private sector salary, with the expectation that he would receive full reimbursement for his real estate expenses.

After Mr. Ricks and his family moved to his duty station in Idaho Falls, he filed a preliminary claim for reimbursement in the amount of \$6,536.84. The Department of Commerce, of which the National Oceanic and Atmospheric Administration is a part, then discovered the error in his travel orders. The Department determined that, since Mr. Ricks was a manpower shortage appointee and not a federal employee transferring from one official duty station to another, he was only entitled to limited travel expenses totaling \$400.16. Mr. Ricks filed a reclaim voucher, seeking reimbursement for \$6,011.83 in real estate expenses and \$149.23 in per diem expenses for members of his family.

As a manpower shortage category appointee, Mr. Ricks's entitlement to relocation expenses is governed by 5 U.S.C. § 5723 (1988), which limits reimbursement to travel and transportation expenses of the appointee and his immediate family and the costs of moving household goods. Section 5723 does not allow reimbursement for real estate expenses or for per diem for members of the employee's family. Accordingly, there is no legal basis for granting Mr. Ricks's claim for those expenses. See John H. Teele, 65 Comp. Gen. 679 (1986).

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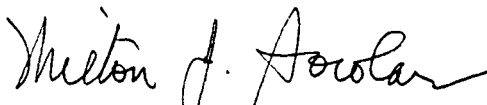
However, based on the foregoing facts, we believe that Mr. Ricks's claim for real estate expenses deserves the consideration of Congress as a meritorious claim. The record shows that Mr. Ricks relocated under the reasonable belief that his real estate expenses would be paid as provided in his travel orders, which had every appearance of official sanction. Furthermore, the substantial amount of Mr. Ricks's claim for real estate expenses indicates that the expectation of reimbursement for those expenses may well have influenced him in accepting federal employment.

Mr. Ricks's claim for per diem expenses for his family members is not included in this meritorious claims recommendation. Those expenses, unlike the real estate expenses Mr. Ricks is claiming, were not authorized by his travel orders.

Provided the Congress concurs with our recommendation on Mr. Ricks's claim for real estate expenses, it is our view that enactment of a statute in substantially the following language will accomplish the relief recommended:

"Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, that Norman R. Ricks is deemed to be an employee transferred by the National Oceanic and Atmospheric Administration from one official station to another for permanent duty in the interest of the government without a break in service for the purpose of permitting reimbursement of real estate expenses authorized by 5 U.S.C. § 5724a(4).

Acting


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