



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

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D-177520

May 18, 1973

Mr. William S. Downey
Authorized Certifying Officer
Bureau of Land Management
United States Department of the Interior

Dear Mr. Downey:

This refers to your letter, reference 1386 (520), of November 22, 1972, in which you request our decision as to certification for payment of a travel voucher presented to you by Mr. Richard D. Freel, an employee of the Bureau of Land Management (BLM).

The record shows that by a Travel Authorization dated July 18, 1972, Mr. Freel was ordered to transfer from his official station at Fairbanks, Alaska, to a new location at Washington, D. C., with delay en route to attend graduate school at Ann Arbor, Michigan. Mr. Freel arrived at Ann Arbor on August 19, 1972, to undertake training which he expects to complete in June 1973 at which time he will proceed to Washington, D. C.

Your letter states that:

Travel and per diem for his wife and two children and shipment of his household goods were authorized in accordance with Public Law 89-516 to Washington, D. C. Government Bill of Lading F7,142,757 was issued July 17, 1972, at Fairbanks, Alaska for transportation of household goods to Ann Arbor, Michigan where the employee rented a house and together with his wife and children established a domicile. This office was put on notice of the establishment of the domicile through receipt for payment of the Government Bill of Lading. Per diem was authorized in accordance with Departmental provisions as set forth in Bureau Manual 1382.32A3a while attending the University.

The voucher in question covers a period of 42 days beginning with August 20, 1972, the day following arrival at Ann Arbor. The employee computes his per diem at the rate of \$20 per day for 30 days from August 20, 1972, to September 19, 1972, and at \$12.50 per day for the remaining 12 days. Your letter computes the per diem due Mr. Freel on a constructive basis wherein by reason of controlling regulations

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the per diem for travel to the training point is stated as part of the 30 days to which a \$20 rate is applicable with a reduction to a \$12.50 rate thereafter.

We note that Mr. Freel has presented an additional voucher, supplied to us informally, on which he claims mileage for travel from Fairbanks to Ann Arbor and per diem for himself and his dependents for the time spent in this travel.

The questions you raise are as follows:

1. Does the establishment of a domicile at Ann Arbor constitute a change in permanent duty station as contemplated in OMB Circular A-56 so as to entitle the employee for the costs therein enumerated at the time he reports for duty in Ann Arbor?
2. If your answer to the one above is affirmative may the employee be reimbursed also for the costs enumerated in OMB Circular A-56 when he relocates his domicile from Ann Arbor to Washington, D. C.?
3. If your answer to one above is negative may the employee be paid per diem at the rate authorized for the period he is temporarily located in Ann Arbor?
4. Since the employee was accompanied by his wife and two children is he entitled to a mileage payment at 12 cents per mile or is mileage limited to a constructive rate normally allowed employees who use their personal automobile in traveling to a temporary duty location?

Essentially, your questions concern the relationship between transfer of station allowances to which employees are entitled under sections 5724 and 5724a of title 5, United States Code, and those authorized in connection with training under provisions of chapter 41 of title 5, supra (with specific reference to section 4109), in a case such as Mr. Freel's where the transfer of station is interrupted by a period of training at an intermediate point.

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The following are our answers to your specific questions:

1. The establishment of a domicile at the training site at Ann Arbor does not constitute a permanent change of duty station within the meaning of provisions of Office of Management and Budget (OMB) Circular No. A-56, which implements sections 5724 and 5724a of title 5, supra, B-162756, February 5, 1968, copy enclosed. Mr. Freel is not entitled to the allowances provided by Circular No. A-56 incident to his training assignment at Ann Arbor.

2. At the time Mr. Freel completes the transfer from Fairbanks to Washington, D. C., he will be entitled to those allowances (including per diem for family) authorized by OMB Circular No. A-56 in the case of transfers from Alaska to the continental United States. See B-162756, supra, and B-162915, February 1, 1968, copy enclosed. In this connection we note that subsection 5724a(a)(2) of title 5, supra, providing for an advance house hunting trip in connection with a transfer requires that both the old and new duty stations must be within the continental United States to permit authorization of that allowance. In view of the fact the household effects have already been shipped to Ann Arbor on a Government bill of lading (presumably in accordance with subsection 6.4 of Circular No. A-56), the expense attributable to this should be offset against the amount of reimbursement for constructive cost of shipment of household effects direct from Fairbanks to Washington to which Mr. Freel will be entitled upon consummation of the transfer.

3. With respect to Mr. Freel's entitlement to the per diem which has been authorized for the period in which he is receiving training, we call attention to the following excerpts from our decision 39 Comp. Gen. 140 (1959):

Under section 10 [now section 4109] of title 5 supra the "head of each department in accordance with regulations issued by the Commission" is authorized to pay per diem in lieu of subsistence in accordance with the Standardized Government Travel Regulations or, in lieu thereof, to pay the cost of transportation of the employee's immediate family and household goods and personal effects whenever the estimated cost of such transportation is less than the estimated aggregate per diem covering the period of payment. Under section 39.401 of the training regulations promulgated by

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the Civil Service Commission (Federal Personnel Manual T-1-22), the head of each department is granted broad authority to determine which expenses constitute necessary training expenses under section 19 of the act. We find nothing in section 19 of the act or in the regulations of the Commission precluding the head of a department from issuing a regulation granting an election to an employee selected for training to be paid the costs of transportation of his immediate family and household goods and personal effects rather than his receiving a per diem in lieu of subsistence whenever the costs of such transportation are determined to be less than the estimated aggregate per diem payments covering the period of training.

Under the rationale of this decision we believe the DLM may pay the per diem authorized during the training period in lieu of the expense of transportation of Mr. Freel's family and household effects from Fairbanks to Ann Arbor. We view your computation of the per diem for the initial travel and while at training site up to October 2, 1972, as correct. We assume this is a situation where the lodgings-plus method of determining per diem rates is not applicable. See section 6.3c of the Standardized Government Travel Regulations, effective October 10, 1971.

4. With respect to Mr. Freel's mileage entitlement for travel by privately owned automobile, his travel from Fairbanks to Ann Arbor may be regarded as part of his transfer of his official station with temporary duty being performed en route thereto. Since his family traveled with him to Ann Arbor, their travel may be considered as travel in anticipation of the transfer to Washington. Upon that basis the employee could be allowed at this time the mileage from Fairbanks to Ann Arbor at the rate of 6 cents per mile as though he had traveled alone. Upon completion of the transfer, the mileage reimbursement should be recomputed in accordance with the provisions of Circular No. A-56 so as to allow him 12 cents per mile for the direct mileage from Fairbanks to Washington plus 6 cents for mileage in excess thereof to cover the additional mileage necessitated by the training in Ann Arbor. Of course the mileage previously allowed would be for deduction from the final mileage computation.

The vouchers are returned herewith for handling in accordance with the foregoing.

Sincerely yours,

PAUL G. DELANEY

For the Comptroller General
of the United States