



UNITED STATES GENERAL ACCOUNTING OFFICE

WASHINGTON, D.C. 20548

Ms. Kopocis

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OFFICE OF GENERAL COUNSEL

In Reply
Refer to: B-203492

September 21, 1981

Mr. Lorin D. Anderson
Chief, Branch of Finance
Bureau of Mines
U.S. Department of the Interior
P.O. Box 25086
Building 20, Denver Federal Center
Denver, Colorado 80225

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Dear Mr. Anderson:

We refer to your letter of May 26, 1981, in which you request our opinion on the propriety of a claim for temporary duty travel submitted by Mr. John W. Corwine in connection with his assignment to Minneapolis, Minnesota. At this time we will not render a formal decision on this matter because no voucher was presented with the submission. 53 Comp. Gen. 429 (1973). We trust, however, that the following information is of help to you.

You state that Mr. Corwine was employed as Research Director at the Spokane Research Center in Spokane, Washington. On November 30, 1980, Mr. Corwine received an appointment as Research Director at the Twin Cities Research Center, Minnesota. At that time, the duty station and location code on his SF-50, Notification of Personnel Action, was listed as Spokane. Mr. Corwine subsequently submitted and was reimbursed for a claim involving travel to Denver, Minneapolis, and Washington, D.C., during the course of which he claimed subsistence in Minneapolis from December 2 to December 9, 1980.

On December 26, 1980, Mr. Corwine and his family left Spokane by private vehicle and rented an apartment upon arrival in Minneapolis. Mr. Corwine was on duty at the Twin Cities Research Center from December 29, 1980, to January 21, 1981. During this period the Corwine residence in Spokane was rented to a private party. On January 21, 1981, Mr. Corwine flew back to Spokane, leaving his vehicle in Minneapolis. The return portion of the ticket was not used. On February 12, 1981, an SF-50, Notification of Personnel Action, was issued

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stating that Mr. Corwine's change in duty station was effective January 25, 1981. You now ask us to determine when Mr. Corwine's transfer was effective.

The location of an employee's permanent duty station has consistently been held by this Office to be the place at which the employee performs the major portion of his duties and where he is therefore expected to spend the greater part of his time. 32 Comp. Gen. 87 (1952) and Denny C. Eckenrode, B-194082, May 8, 1979. An employee's official duty station is a matter of fact and not merely one of administrative designation. In determining the actual post of duty, each case is to be decided on its own facts and circumstances, including such factors as the nature of the assignment, the required duties, and the locale in which they are to be performed. 49 Comp. Gen. 145 (1969) and B-188093, October 18, 1977. Thus, the designation of Spokane as Mr. Corwine's permanent duty station until January 25, 1981, is not necessarily to be relied on.

Payment of per diem is authorized only to employees on official travel away from their post of duty (permanent duty stations). 5 U.S.C. 5702(a) (1976) and paragraph 1-7.6a of the Federal Travel Regulations (FPRM 101-7, May 1973). See also, Denny C. Eckenrode, supra. In addition, under paragraph 2-1.4 of the Federal Travel Regulations the effective date of a transfer from one duty station to another is the date the individual arrives at the new station. Joyce M. Kingfisher, B-189580, March 31, 1978. The latter rule, however, may not apply in Mr. Corwine's case. Although Mr. Corwine traveled to Minneapolis after notification of his appointment to a position in that city, his trip of December 2 to December 9, 1980, appears to be in the nature of a temporary duty assignment. We note that Mr. Corwine returned to Spokane and stayed there until December 26, 1980. Until December 26, 1980, therefore, the major portion of Mr. Corwine's duties were in Spokane. In this regard, we have held that where the duty at the new official station is really temporary and the employee returns to his official station for official duty, then the employee may receive per diem and travel expenses while temporarily at the new official

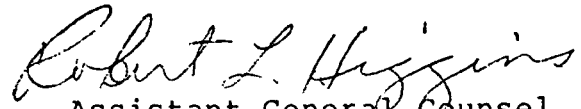
B-203492

station. 51 Comp. Gen. 10 (1971). It would appear from your submission, therefore, that the payment of subsistence expenses to Mr. Corwine while he was in Minneapolis from December 2 to December 9, 1980, was proper.

By the same token, it appears that the effective date of Mr. Corwine's transfer (for travel and per diem purposes) may be viewed as December 29, 1980. As of this date Mr. Corwine performed his duties and was expected to spend his time at the Twin Cities Research Center in Minneapolis. Given the particular circumstances in this case - specifically, the November 30, 1980, notification of appointment, the fact that Mr. Corwine's family accompanied him to Minneapolis in late December, and the fact that the family residence in Spokane was rented to a private party - it appears that Mr. Corwine's transfer to Minneapolis was effective as of his reporting to duty there on December 29, 1980.

We note that Mr. Corwine may be entitled to travel, transportation, and relocation expenses incurred in connection with his transfer from Spokane. Among the expenses to which Mr. Corwine may be entitled incident to his transfer are temporary quarters subsistence expenses. With regard to Mr. Corwine's return to Spokane on January 21, 1981, if this trip was for official business a voucher for expenses should be submitted. Mr. Corwine should be asked to furnish vouchers documenting all expenses.

Sincerely yours,


Assistant General Counsel
Robert L. Higgins

DIGEST

GAO informs agency that where employee performs all of his duties in Minneapolis, has permanent duty station in Minneapolis, then despite administrative designation of Spokane as his official duty station, it appears he is not entitled to temporary duty travel expenses for assignment in Minneapolis after he and his family move from Spokane to Minneapolis.