

B-167171

AUG 8 - 1969

Mr. A. E. Daxell
Authorized Certifying Officer
Bureau of Reclamation
United States Department of the Interior
2800 Cottage Way
Sacramento, California 95825

Dear Mr. Daxell:

We refer to your letter of June 3, 1969, your reference 2-363, by which you request our advance decision whether you may properly certify for payment the enclosed voucher of Mr. Earl L. Briggs to reimburse him otherwise allowable expenses involved in his move from Los Banos, California, to Clovis, California, subsequent to his transfer from Los Banos to Tranquillity, California, as an employee of the Bureau of Reclamation, Department of the Interior.

Mr. Briggs' transfer was effective February 25, 1968. He remained in Los Banos commuting the 45 miles to Tranquillity on a daily basis until about February 14, 1969, when he apparently moved to a residence he was in the process of buying in Clovis. Mr. Briggs says that the delay in his move was caused by the fact that he did not sell his residence in Los Banos until February 1969, although he had listed it for sale with two realtors in February 1968. You say that Mr. Briggs' residence in Clovis is located 51 miles away from Tranquillity. Accordingly, he commutes a longer distance to and from his new residence than he did to and from his old residence. In the circumstances you question whether his move to Clovis may be considered as resulting from the transfer.

Section 1.3 of Bureau of the Budget Circular No. A-56 as amended by Transmittal Memorandum No. 1, April 7, 1967, which was in force at the time in question provided in pertinent part:

"When the old and new posts of duty are within different official stations but are only a short distance apart and within the same general local or metropolitan area, the travel and transportation expenses and applicable allowances in connection with the employee's relocation of his residence may

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be authorized only when the agency determines that the relocation was incident to the transfer of official station. Such determination should take into consideration such factors as commuting time and distance between the employee's residence at the time of notification of transfer and his old and new posts of duty as well as the commuting time and distance between a proposed new residence and the new post of duty. Ordinarily, a relocation of residence should not be considered as incident to a transfer of official station unless the one-way commuting distance from the old residence to the new post of duty is at least 10 miles greater than from the old residence to the old post of duty. Even then, circumstances surrounding a particular case, e.g., relative commuting time, may suggest that the move of residence was not incident to the change of official station."

We do not consider the requirement of that section to the effect that an employee may be reimbursed expenses of moving his residence only when the move is the result of his transfer as being limited to cases of transfers involving a short distance. The words "general local or metropolitan area" are considered to be descriptive rather than restrictive. Thus, in any case where the agency finds that an employee's move was not related to his transfer, the costs of such move may not be borne by the Government.

In this case we view as particularly pertinent the fact that Mr. Briggs attempted to sell his residence which was located at his old official station at the time he was transferred. We note further that the sale and purchase of residences and the move of his household effects all took place shortly after a buyer for the residence at the old official station was found. In the circumstances we would not question an administrative determination that Mr. Briggs' move was the result of his transfer to Tranquillity. In that connection see generally the decision B-163955, March 14, 1969, a copy of which is enclosed.

As indicated on the voucher, the costs involved in the purchase of the residence at Clovis may not be allowed because settlement of the purchase transaction did not take place until more than one year after the effective date of the employee's transfer. See section 4.1d of Circular No. A-56, Revised, October 12, 1966.

OFFICERS AND EMPLOYEES
Transfers
Relocation expenses
Distance between old and new station

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OFFICERS AND EMPLOYEES
Transfers
Relocation expenses
"Settlement date" limitations
on property transactions

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The voucher which is returned herewith together with supporting papers may be certified for payment if otherwise correct subject to the administrative determination referred to above.

Sincerely yours,

E. F. Keller

Acting Comptroller General
of the United States

Enclosures