



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

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JUN 15 1959

B-139223

Mr. E. R. Wilson
Authorized Certifying Officer
Office of Civil and Defense Mobilization
Battle Creek, Michigan

Dear Mr. Wilson:

This refers to your letter of March 31, 1959, requesting our decision concerning the sum due Mr. Eugene J. Quindlen, an employee of your agency, for per diem in lieu of subsistence during the period March 14 through April 11, 1959.

Travel authorizations Nos. 2656 and 2657, dated February 18, 1959, ordered Mr. Quindlen to proceed from Battle Creek, Michigan, to Washington, D. C., on or after April 12, 1959, for the purpose of effecting a permanent change of station. Those authorizations provide for the movement of household goods to the new duty station, necessary travel of the employee and his family by privately owned automobile on a mileage basis and, also, for a per diem allowance of \$12 per day to the employee while in an official travel status en route to the new duty station. You say that knowledge of the contemplated transfer is reported by the employee to have been received by him on March 14--some four weeks prior to the effective date thereof. Apparently he received the notice while performing temporary duty at Washington, D. C.

The facts disclose that on March 14 and 16, 1959, Mr. Quindlen was issued travel authorizations Nos. 2729 and 2779, respectively, ordering him to proceed from Battle Creek to Washington, D. C., and return, for temporary duty estimated to require a total of 11 days during the periods March 10 through 14, and March 18 through 23, 1959. Since a portion of the temporary assignment was after the employee knew of his proposed transfer, you express doubt as to whether Battle Creek properly should be considered as the employee's official station through April 11, or only until March 14, 1959. You say that travel vouchers will be presented to you in accordance with the March 14 and 16, 1959 authorizations.

You point out that the employee's services were required at both Battle Creek and Washington, but that from March 14 until on or after April 12, it was anticipated that Battle Creek would be the place where he would spend the greater portion of his time and where he normally would reside. You refer particularly to Office decisions in 25 Comp. Gen. 136, and 30 id. 94, pertaining to the headquarters of an employee

for per diem purposes as being the place at which the greater part of the duties are to be performed and the date payment of per diem in lieu of subsistence stops in the case of an employee performing duties at a temporary duty station, and who receives notice of a permanent change in duty station to the place at which he is performing the temporary duty.

Section 6.8 of the Standardized Government Travel Regulations specifically provides that per diem in lieu of subsistence "will not be allowed an employee" at his permanent duty station. The general rule is that when a civilian employee is permanently transferred to a place at which he already is performing duty and continues on duty there pursuant to competent orders, the transfer is effective upon the date he receives official notice thereof. But if an employee is transferred to a place where he is not on temporary duty, his post of duty changes on the date he actually arrives and enters on duty at the new station in compliance with the orders effecting such transfer. See 30 Comp. Gen. 94; 27 id. 294; 23 id. 342, and cases therein cited. Here, the employee's transfer was not contemplated to take effect until on or after April 12. The record does not show on what date the employee proceeded to Washington with his family pursuant to the transfer order. The fact that he may have received notice of the proposed transfer while on temporary duty at Washington, however, did not change the effective date thereof since the travel during the period March 16 to 23 appears to have been performed under the temporary duty travel order, and the majority of the duties of the employee from March 14 to April 12 evidently were performed at Battle Creek. Therefore, upon the present record, our view is that Battle Creek continued to be the employee's official station until April 12, or until such later date as he reported at Washington for permanent duty in compliance with orders effecting such transfer, and no per diem is payable to the employee for services rendered in Battle Creek—his official station—prior to April 12, 1959.

Sincerely yours,

JOSEPH CAMPBELL

Comptroller General
of the United States