



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

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January 2, 1973

Mr. Paul J. Grainger  
Authorized Certifying Officer  
Forest Service  
United States Department of  
Agriculture

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Dear Mr. Grainger:

Reference is made to your letter dated November 9, 1972, with enclosures, requesting an advance decision on the claim of Mr. W. Howard Johnson, a former employee of the United States Department of Agriculture, Forest Service, for travel and transportation benefits under the circumstances hereinafter described.

The letter of November 9, 1972, asserts that Mr. Johnson, prior to his retirement, was employed with the Forest Service and was assigned to an official duty station at Juneau, Alaska. Incident to such assignment Mr. Johnson had entered into a service agreement. This agreement indicated that at the completion of a two-year tour of duty at Juneau, Mr. Johnson would be entitled to the appropriate travel and transportation benefits for both him and his family as well as his household goods back to his place of actual residence in the United States at the time of assignment. The locality designated as his place of actual residence was Missoula, Montana.

You further stated that:

"Mr. Johnson retired from the Forest Service in Juneau, Alaska, on February 5, 1971, without authorization of benefits available under Section 1.11d of Office of Management and Budget Circular No. A-56. Mr. Johnson was encouraged by both our Fiscal Agent and Personnel Officer at that time to set the date for his return travel to the Continental United States. Instead, Mr. Johnson indicated that he did not intend to return to the Continental United States. In accordance with the expressed desire of Mr. Johnson, no travel authorization was made or issued by the Forest Service for his return travel."

"Approximately one year and five months after Mr. Johnson retired, he inquired at our Juneau, Alaska office about being authorized to return travel and transportation benefits. He was notified at that time by our Fiscal Office

PUBLISHED DECISION  
52 Comp. Gen. \_\_\_\_\_

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B-177455

that while we could not authorize the requested benefits, should he decide to make a claim, it should be directed to our Regional Office in Juneau, Alaska.

"Mr. Johnson had, for personal reasons, elected to remain in Juneau, Alaska, at the time of his retirement from duty. The policy as expressed in the Forest Service Manual for the Alaska Region was that travel and transportation be authorized at the time of termination and a reasonable time of six months would be allowed for commencement of employee travel, in accordance with the intent of 28 CG 289. This policy was approved by Mr. Johnson, as Regional Forester, and was in effect at the time of his retirement. There was no known information shortly following Mr. Johnson's retirement that indicated he would be returning to the Continental United States."

In view of the considerable time (approximately 17 months) which elapsed between the time of Mr. Johnson's retirement and the date he requested return travel and transportation benefits to the continental United States you ask whether he is entitled to such benefits.

Section 1.5 of the controlling regulations, Office of Management and Budget (OMB), Circular No. A-56, revised August 17, 1971, states:

"b. Time limits for beginning travel and transportation.  
All travel, including that for the immediate family, and transportation, including that for household goods allowed under these regulations, should be accomplished as soon as possible. The maximum time for beginning allowable travel and transportation will not exceed two years from the effective date of the employee's transfer or appointment."

Moreover, cognizant agency regulations (Forest Service Manual section 6543.52c) provided that:

"4. Time Limits for Travel and Transportation.  
Return allowance from Alaska to continental United States.

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"b. Termination of Employment. When an employee terminates, his travel and transportation must be incident

B-177455

to termination of his assignment. The date of return travel must be set at the time of termination and be within a reasonable time, normally within six (6) months. The travel of immediate family and transportation of household effects must begin within two (2) years from the date the employee begins his return." (Emphasis added.)

With regard to an employee's entitlement to travel and transportation benefits back to the United States for separation, this Office has long adhered to the position that the travel of such employee be clearly incidental to the termination of his assignment and that the travel should commence within a reasonable time after the assignment has been terminated in order for return expenses to be reimbursable. 28 Comp. Gen. 285, 289 (1948). Under the above regulations your agency has specified a reasonable time as being normally within six months.

In view of the above and in the absence of an explanation from Mr. Johnson that his delay in returning to the continental United States was due to circumstances beyond his control (such as incapacitating sickness), the voucher, with accompanying papers, which is returned herewith, may not be certified for payment.

Sincerely yours,

R.F.KELLER

[Deputy Comptroller General  
of the United States