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Charles Browne

Civ. Pers.

DECISION



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

FILE: B-186021

DATE: November 9, 1976

MATTER OF: James I. Lucas - Travel of rights under
Public Law 83-737

DIGEST: Employee of Federal Aviation Administration in Hawaii who is prevented by a transfer from taking planned tour renewal agreement travel to continental United States under Public Law 83-737 is not required to reimburse Government for cost of prior travel by dependents to continental United States.

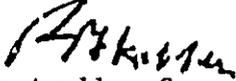
Mr. Roy G. Kesner, an authorized certifying officer with the Federal Aviation Administration (FAA), by letter dated January 22, 1976, requested an opinion regarding travel entitlements under Public Law 83-737. In particular the certifying officer inquires whether Mr. James I. Lucas, an employee of the FAA in Honolulu, Hawaii, must reimburse the FAA for the cost of round trip transportation to the continental United States for three dependents in connection with an overseas tour renewal agreement.

The record shows that the employee signed an overseas tour renewal agreement in October 1974. Subsequently three members of the employee's family received round trip transportation to the continental United States in 1974 and 1975. In addition, the employee purchased an open airline ticket in the latter part of 1975 with a Government Transportation Request and had been authorized leave to begin on January 15, 1976. In December 1975 the employee was selected for an FAA position in Houston and was transferred. Consequently, the employee was unable to use his leave and travel entitlement under Public Law 83-737.

The general rule is that an employee stationed outside the continental United States is entitled to round trip transportation to the continental United States for his dependents under Public Law 83-737 only if he returns to the United States for purposes of taking leave in connection with an overseas tour renewal agreement. See 46 Comp. Gen. 153 (1966), 35 Comp. Gen. 101 (1955). However, we do not believe

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that an employee who was prevented from exercising his round trip travel entitlement under the circumstances of this case should be required to reimburse the Government for the cost of his dependents' travel. Accordingly, the certifying officer's question is answered in the negative.


Acting Comptroller General
of the United States