

DOCUMENT RESUME

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[Miscellaneous Expenses Arising from Transfer]. B-187874. May 31, 1977. 3 pp.

Decision re: Deward W. Moore; by Robert P. Keller, Deputy Comptroller General.

Issue Area: Non-Discrimination and Equal Opportunity Programs: Discrimination in Federal Financial Assistance Programs (1005).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Mining Enforcement and Safety Administration.

Authority: B-171685 (1971). F.T.R. (FPMR 101-7), para. 2-3.2a. F.T.R. (FPMR 101-7), para. 2-3.3a.

Anne C. Hansen, Authorized Certifying Officer, Mining Enforcement and Safety Administration, requested a decision on employee's claim for miscellaneous expenses incident to transfer. Employee's entitlement was not affected by fact that family did not vacate old residence, but it was reduced from \$200 to \$100. He may receive another \$100 upon subsequent transfer back to original duty station. (DJM)

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*Chas. L. Brown
C. R. R.*

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DECISION



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

FILE: B-187874

DATE: May 31, 1977

MATTER OF: Deward W. Moore - Transfer - Miscellaneous expenses

DIGEST: Employee transferred from Johnstown, Pennsylvania, to Clearfield, Pennsylvania, is entitled to \$100 miscellaneous expenses under FTR paras. 2-3.2 and 2-3.3 although his wife remained at old duty station in his former residence and he continued to receive mail at old residence. Record shows he established new residence in Clearfield. Upon subsequent transfer back to Johnstown, employee is entitled to \$100 miscellaneous expenses although he returned to old residence. See B-171685, February 22, 1971.

By a letter dated November 10, 1976, Ms. Anne C. Hansen, an authorized certifying officer with the Mining Enforcement and Safety Administration, Department of Interior, requested an advance decision regarding the propriety of paying the reclaim vouchers of Mr. Deward W. Moore for miscellaneous expenses incurred incident to a permanent change of duty station. Mr. Moore has submitted two vouchers in the amount of \$100 each. The first is in connection with a transfer on March 16, 1975, from Johnstown, Pennsylvania, to Clearfield, Pennsylvania, a distance of 80 miles. The second is in connection with a transfer on June 10, 1976 from Clearfield back to Johnstown.

The record shows that on March 5, 1975, a travel authorization was issued to Mr. Moore in connection with his transfer to Clearfield which included, inter alia, miscellaneous expenses in the amount of \$200, temporary quarters expenses, transportation of household goods, and per diem for the employee and his wife. At the time of the transfer Mrs. Moore accompanied her husband from Johnstown to Clearfield. However, after a few days she returned to Johnstown and continued to occupy their residence in Johnstown. Mr. Moore continued to use the Johnstown residence as his mailing address for salary and travel checks, and his household goods were never moved. However, he purchased a house trailer in Clearfield in which he resided. Mr. Moore submitted a voucher on June 18, 1975, claiming \$200 in miscellaneous expenses which was reduced to \$100 by the certifying officer.

On June 10, 1976 a travel authorization was issued to Mr. Moore for a transfer from Clearfield back to Johnstown. The travel authorization did not provide for transportation expenses or per diem for the employee's

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wife. However, it did authorize \$200 in miscellaneous expenses. Mr. Moore subsequently submitted a voucher claiming \$200 in miscellaneous expenses which was reduced to \$100 by the certifying officers.

Mr. Moore now reclaims the \$100 disallowed in connection with his transfer to Clearfield and the \$100 disallowed in connection with the transfer back to Johnstown. In this regard the certifying officer asks the following questions:

"1. Does the fact that Mr. Moore and his spouse did not totally vacate the residence at Johnstown but continued to use it as a mailing address and that Mrs. Moore continued to commute between the two residences alter the entitlement to the \$200.00 miscellaneous expense allowance?

"2. Does the fact that Mr. Moore relocated in his old residence at Johnstown on his second reassignment affect his entitlement to the miscellaneous expense allowance for his second move?"

Miscellaneous expenses for Federal employees in connection with a permanent change of duty station are governed by the Federal Travel Regulations (FPMR 101-7, May 1973). Paragraph 2-3.2a of the FTR states that a miscellaneous expense allowance will be payable to an employee who has discontinued a residence and established a new residence in connection with a permanent change of duty station. Paragraph 2-3.3a of the FTR states that an employee without immediate family is entitled \$100 in miscellaneous expenses and an employee with immediate family is entitled to \$200 in miscellaneous expenses.

Thus, an employee, who transfers to a new duty station and establishes a residence there, is entitled to \$100 in miscellaneous expenses even if his family remains at the old duty station in his former residence. The fact that the family did not abandon the residence at the old duty station does not affect the employee's entitlement to miscellaneous expenses for himself. It merely reduces his entitlement from \$200 to \$100. Likewise, the fact that Mr. Moore used his former residence as a mailing address did not extinguish his entitlement. The record clearly shows that he discontinued a residence in Johnstown and established a residence in Clearfield, namely the mobile home. He, therefore, complied with the requirements of FTR para. 2-3.2a. B-171685, February 22, 1971.

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When he was transferred back to Johnstown, Mr. Moore was again entitled to miscellaneous expenses of \$100, as he discontinued the residence in Clearfield and returned to his former residence in Johnstown. The fact that Mr. Moore returned to his former residence did not effect his eligibility. The certifying officer correctly reduced the claim from \$200 to \$100, in accordance with FTR para. 2-3.3a.

Accordingly, the questions of the certifying officer are answered as indicated. The vouchers may not be certified for payment.

W. H. Kellum
Deputy Comptroller General
of the United States