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DECISION



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

FILE # 5-189161

DATE: April 26, 1978

MATTER OF: H. Michael Hawkins - Expenses Incident to Purchase of House and Moving Expenses

DIGEST: Employee of Nuclear Regulatory Commission purchased house 1 week before agency formally announced his transfer to Silver Spring, Maryland, from Germantown, Maryland. Energy Reorganization Act of 1974 created necessity for move and employee purchased home close to all three locations which agency was considering for move. Accordingly, employee may be reimbursed expenses of purchase of home as incident to transfer.

By letter dated May 23, 1977, Mr. James D. Lincoln, a disbursing officer of the United States Nuclear Regulatory Commission (NRC), requested an advance decision regarding the claim of H. Michael Hawkins for reimbursement of the expenses for the purchase of a residence and transportation of his household goods incident to a transfer of station. Mr. Hawkins is an employee of the Office of Nuclear Regulatory Research (RES).

The record shows that the Energy Reorganization Act of 1974, which created the Nuclear Regulatory Commission and the Energy Research and Development Administration (ERDA), necessitated the mass relocation of RES employees from ERDA offices in Germantown, Maryland. Three sites in Maryland, Silver Spring, Hyattsville, and Rockville, were under consideration for the new location of RES employees in the summer of 1975.

In September 1975 Mr. Hawkins contracted to purchase a house in Silver Spring, Maryland. On October 7, 1975, NRC accepted office space in Silver Spring although no indication was given at that time as to who would occupy the office space. On October 20 Mr. Hawkins settled on his Silver Spring residence. On October 29 NRC formally announced that RES employees would be relocated from Germantown to Silver Spring. On November 8, 1975, Mr. Hawkins moved into his new residence.

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On the above facts the disbursing officer asks the following questions:

- "1. * * *Is the purchase of Mr. Hawkins' Silver Spring residence incident to his change of duty station?
- "2. If it is not, should the claim submitted for expenses incurred in moving to this residence be paid by NRC?"

Reimbursement of expenses incurred in anticipation of a mass transfer may be made if a travel order is subsequently issued to the employee authorizing reimbursement of those expenses on the basis of a previously existing administrative intention, clearly evident to the employee at the time the expenses were incurred, to transfer him. What constitutes a clear intention to transfer an employee depends on the circumstances of each case. See 54 Comp. Gen. 993 (1975); 52 id. 8 (1972); and 48 id. 395 (1968).

We believe the circumstances of the instant case indicate that a clear intent to transfer existed when the employee contracted to purchase the Silver Spring residence. On October 20, 1975, when the employee settled on the residence the agency had already accepted office space in Silver Spring. Although the formal announcement of the move to Silver Spring was not issued until 1 week later, the record shows a mass transfer of RES employees was required and apparently limited to three locations in Maryland: Silver Spring, Bethesda, and Rockville. Thus, while the exact location to which Mr. Hawkins was to be transferred was not known, it was clear that he would be transferred to one of the three locations stated above. Accordingly, since he was actually transferred to Silver Spring and he had purchased a residence in the vicinity of his new office, he may be reimbursed the expenses of the purchase of his residence, provided it be administratively determined that the purchase was prompted by the anticipated transfer.

In light of our answer to question 1, it is unnecessary to answer question 2.

Accordingly, payment may be made to the extent proper.


Deputy Comptroller General
of the United States