

PLM-1

DECISION



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

9402

FILE: B-193316

DATE: March 12, 1979

MATTER OF: *[Claim For]* ~~Harvey Knowles~~ Relocation expenses]

- DIGEST:
1. The words "general local or metropolitan area" as used in paragraph 2-1.5b(1) of the Federal Travel Regulations (FTR) are descriptive rather than restrictive. These are general criteria rather than fixed rules to be narrowly applied in all cases involving transfer between official stations which are relatively close to each other. Therefore, it does not follow that for relocation to be incident to transfer of duty station it must invariably result in less commuting time and distance.
 2. Where the old duty station and the new duty station are located 77 miles apart and the employee's residence from which he commuted daily 43 miles to the old station is located midway between the two stations, fact that employee chose to relocate to the new station rather than continue to commute 45 miles daily, does not preclude a determination that the relocation was incident to the transfer.

This action is in response to a letter from H. Larry Jordan, ^{AB} Authorized Certifying Officer, Department of Agriculture. Under ₀₀₀₄₂ 31 U.S.C. 82d (1976), he requests our decision as to whether a claim by Mr. Harvey Knowles for expenses incurred in connection with his transfer of station may be paid.

Mr. Knowles, an employee of the Food and Nutrition Service of the Department of Agriculture was authorized to change his official duty station from Greensboro, North Carolina, to Raleigh, North Carolina. Travel Authorization No. 17-612-40, dated June 23, 1976, was issued for that purpose. At the time Mr. Knowles' official duty station was changed and apparently during the time his duty station was at Greensboro, he resided in Hillsborough, North Carolina. Hillsborough is located almost equal distance between Greensboro and Raleigh. Greensboro is approximately 43 miles west of Hillsborough and Raleigh is approximately 45 miles

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southeast of Hillsborough. The official distance between Greensboro and Raleigh by the most direct route is 77 miles. Mr. Knowles sold his residence in Hillsborough and purchased a new residence in Raleigh, about a year after the transfer. The sale and purchase settlement dates were June 15, 1977, and June 16, 1977, respectively. He submitted a travel voucher claiming reimbursement for transportation of household goods, miscellaneous expenses, and expenses for the sale of residence at Hillsborough and purchase of residence in Raleigh. Since paragraph 2-1.5b(1) of the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973) provides that:

"* * * Ordinarily, a relocation of residence shall not be considered as incident to a change of official station unless the one-way commuting distance from the old residence to the new official station is at least 10 miles greater than from the old residence to the old official station. * * *"

the Food and Nutrition Service believe that the relocation of residence was not incident to his transfer.

Under 5 U.S.C. 5724 and 5724a (1976) travel and transportation and other relocation expenses of transferred employees may be authorized or approved by the head of an agency pursuant to such regulations as the President may prescribe. Implementing regulations are found in chapter 2 of the FTR. Paragraph 2-1.3 of those regulations provides that travel and transportation expenses and applicable allowances are payable in the case of the transfer of an employee from one official station to another for permanent duty provided, among other things, that the new official station is at least 10 miles distant from the old official station and, in case of a relatively short distance relocation, a determination of eligibility is made under the provisions of paragraph 2-1.5b(1) of the FTR.

The regulations do not define "short distance" except that the term is used in paragraph 2-1.5b(1) as follows:

"When the change of official station involves a short distance within the same general local or metropolitan area, the travel and transportation expenses and

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applicable allowances in connection with the employee's relocation of his residence shall be authorized only when the agency determines that the relocation was incident to the change of official station. * * *" (Emphasis added.)

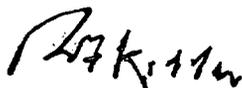
In B-175822, June 14, 1972, we held that if the employee in fact commutes daily to his new official station from the newly purchased residence, the fact that the residence is located in the same city as his former residence would not in itself preclude reimbursement of expenses incurred in connection with either real estate transaction. In that decision we stated that the words "general local or metropolitan area" are descriptive rather than restrictive. See also 54 Comp. Gen. 751 (1975) and B-167171, August 8, 1969. We have also held that whether a change of official station involves a "short distance" within the purview of the regulations does not change the standard applicable to all cases that an employee's relocation of residence be "incident to the change of official station." See B-172705, May 21, 1971; B-167171, supra. Those decisions also characterize the determinative factors as general criteria rather than fixed rules to be narrowly applied in all cases involving transfer between official stations which are relatively close to each other. Therefore, it does not follow that for relocation to be incident to a transfer of duty station it must invariably result in less commuting time and distance.

Section 2-1.5b is for application where the change of official station is within the same general local or metropolitan area but a hard and fast rule should not be applied. In the present case the distance between the old and the new station was 77 miles. To hold that these communities are in the same general locale or that Greensboro and Raleigh are within the same metropolitan area would appear unreasonable. Further, the fact that the employee chose to commute daily a distance of 43 miles to Greensboro should not preclude him from moving to a residence only 8 miles from the new duty station in Raleigh when the distance between the old and new stations is 77 miles. To require the employee to continue to commute 45 miles or to move his residence at his own expense would be unreasonable.

Since no final determination appears to have been made by the Department of Agriculture as to whether Mr. Knowles' move

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was incident to his transfer, and since the question has been presented for our determination, we hold that the relocation of residence from Hillsborough to Raleigh was incident to his transfer from Greensboro to Raleigh. Accordingly, Mr. Knowles should be reimbursed allowable relocation expenses in connection with his move. The voucher submitted may be paid if otherwise proper.


Deputy Comptroller General
of the United States