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**DECISION**



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

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FILE: B-190672

DATE: April 4, 1979

MATTER OF: Joseph Salm - Travel Expenses ]

[Request for

- DIGEST:
1. Employee of the Drug Enforcement Agency, who was married while at a temporary duty (TDY) station overseas, claims reimbursement for wife's travel between TDY stations and her per diem at TDY stations. Employee is not entitled to reimbursement as there is no authority to pay travel expenses of dependent of an employee to or from a TDY station or to pay per diem to the dependent at a TDY station.
  2. Employee who was transferred from Ankara, Turkey, to Detroit, Michigan, resigned in Washington, D.C., during a debriefing, and did not report at Detroit, is not entitled to reimbursement of traveling expenses of himself and wife under relocation travel order since such obligation does not arise until the transfer is consummated by the employee's entrance on duty at his new official station. The employee's travel expenses to Washington do not have to be collected since his travel may be considered temporary duty travel incident to his debriefing.
  3. Local hire overseas who did not sign a transportation agreement at the time of hire is not entitled to reimbursement of transportation expenses to his home of record in the United States at the time of his separation.

The Chief of the Accounting Section, Office of Controller, Drug Enforcement Administration (DEA), U.S. Department of Justice, has requested a decision concerning reimbursement of certain travel expenses incurred by Mr. Joseph G. Salm, a Special Agent of the DEA, and his wife.

The record shows that on May 20, 1974, Mr. Salm was appointed to the position of Special Agent for the DEA and assigned to the Beirut district office. At the time of Mr. Salm's appointment he was residing in Beirut, Lebanon. In November 1975, all non-essential Government personnel were removed from the Beirut

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station. Mr. Salm was then sent to the DEA regional office in Ankara, Turkey, on a temporary basis. On April 3, 1976, while on temporary duty assignment in Egypt, Mr. Salm married Helena Baraibar Camunas in Alexandria. A DEA cable dated May 28, 1976, authorized Mrs. Salm to accompany her husband from Cairo to Ankara with her belongings. This travel was accomplished on June 2, 1976.

On June 19, 1976, Mr. and Mrs. Salm traveled from Ankara incident to a change of duty station to Detroit, Michigan. En route to Detroit Mr. Salm stopped off in Washington, D.C., for a debriefing period. On July 12, 1976, after the debriefing period, Mr. Salm resigned his position effective July 31, 1976, and never did report to Detroit. The travel authorization was amended to provide for the trip from Ankara to Mr. Salm's home of record Eugene, Oregon. After the debriefing period in Washington, D.C., the claimant and his wife departed on July 12, 1976, for Boston, Massachusetts, in lieu of his home of record.

Mr. Salm submitted three vouchers. The initial voucher, dated June 4, 1976, indicates use of a Government Travel Request for transportation of Mr. and Mrs. Salm and her personal effects from Cairo, Egypt, to Ankara. The second voucher, dated June 29, 1976, is a claim for reimbursement of expenses incident to documentation of the marriage and per diem for Mrs. Salm to and while at Ankara. The third voucher, dated November 5, 1976, claims travel expenses relating to the permanent change of station.

Mr. Salm objected to the disallowance of travel expenses and per diem for his spouse and the DEA's refusal to pay the final voucher regarding permanent change-of-station travel. Based on these objections, the Accounting Section of the DEA reviewed all three vouchers to ensure compliance with the travel regulations governing travel expenses for a spouse acquired after assignment abroad. The Accounting Section concluded that Mrs. Salm did not meet applicable travel regulations concerning a dependent spouse and that agency officials had been in error in authorizing any payments for her travel while accompanying her husband. In accordance with this determination, the voucher of November 5, 1976, was reevaluated and travel and subsistence expenses for Mrs. Salm disallowed. Reimbursement for Mrs. Salm's travel had been previously made including cost of marriage documents, and Mrs. Salm's travel from Cairo to Ankara with baggage costs. After adjustment these travel costs totaled \$602.24. The DEA requested remission of the

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amount. The other voucher request for reimbursement of expenses regarding Mrs. Salm was not paid.

Mr. Salm asked the DEA to obtain an opinion as to the legal validity of their action since all travel had been authorized by the DEA Personnel Director through specific travel orders. Unfortunately, these orders were based on the mistaken belief that certain provisions of the Foreign Affairs Manual (FAM) applied to DEA.

Initially, there appears to have been some confusion regarding the travel regulations governing DEA employees and dependents overseas. The FAM, Volume 6, Uniform State/AID/USIA Foreign Service Travel Regulations were promulgated pursuant to 22 U.S.C. § 1136. The FAM covers travel and related expenses for all Foreign Service officers and Foreign Service Reserve officers of the Department of State, the Agency for International Development, and the U.S. Information Agency. The FAM has statutorily been extended to cover certain employees of other agencies where the agency head has authority to pay allowances and benefits similar to those authorized under the Foreign Service Act of 1946. In such cases, the Federal Travel Regulations (FTR) do not apply to these personnel.

The DEA received authorization in their appropriation act in 1976 to apply certain provisions of the Foreign Service Act, 22 U.S.C. § 1136(9), (10), and (11) to DEA employees overseas. The intent of this request for authorization was to provide DEA employees certain benefits not available to employees who travel under the provisions of 5 U.S.C. §§ 5721 et seq., the statutory basis for the FTR. The authorization was limited to three concerns: employee and dependent travel expenses for rest and recuperation; temporary duty assignment; and family visitation in certain specified instances. See Appropriations Act of 1975 for Justice Department. 88 Stat. 1195. However, the FAM provision (6 FAM 126.8) authorizing transportation of a newly acquired spouse (overseas) which was originally thought to be determinative, has not been made applicable to the DEA in any subsequent appropriations legislation.

The FTR do not include a provision similar to that in the FAM travel regulations. Mr. Salm's permanent duty station was Beirut. Subsequently, he was placed on temporary duty status in Ankara and other stations in the region. In fact Mr. Salm married while on

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temporary duty in Egypt. There is no authority in the FTR to pay the traveling expenses of Mrs. Salm from Egypt to Ankara. Furthermore, there is no authority to authorize per diem to the spouse at the temporary duty station of an employee.

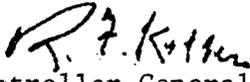
Therefore, the claim for Mrs. Salm's travel and incidental expenses relating to her establishment at the temporary duty station is disallowed.

The remaining claim for reimbursement of expenses incurred upon transfer of official headquarters is governed by 5 U.S.C. § 5724 and the FTR, which provide for the transfer of an employee at Government expense when in the interest of the Government. However, the obligation does not arise until the transfer actually is consummated by the employee's entrance on duty at his new official station.

While Mr. Salm traveled from his old duty station at Ankara he did not report for duty at his new duty station in Detroit, resigning while at Washington, D.C., during a debriefing. The subsequent change of duty station to Eugene, Oregon, the home of record of Mr. Salm at his request may not be considered as altering the purpose for which the original transfer order was issued. See B-160397, December 2, 1966. This is so because Mr. Salm was a local hire with whom no agreement for transportation entitlement had been negotiated. We assume that Mr. Salm did not meet the eligibility criteria prescribed by para. 2-1.5h(3)(b) of the FTR for a transportation agreement. Since Mr. Salm had not signed a transportation agreement he was not entitled to transportation at Government expense to his home of record at the time of his separation from his overseas duty station.

Therefore, since Mr. Salm did not report for duty at Detroit he is not entitled to travel and transportation expenses under travel authorization B-0350 as amended for his travel beyond Washington or for any travel for his wife. The expenses paid for his travel to Washington do not have to be collected since it may be considered temporary duty travel incident to his debriefing.

Action on the claim should be taken in accordance with the foregoing.

  
Deputy Comptroller General  
of the United States