

DECISION

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

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FILE: B-192619

DATE: July 23, 1979

MATTER OF: John B. Willis, Jr. - Overseas Tour Renewal Agreement Travel - ~~Home Leave~~ *Expenses**[Request for]*

DIGEST: Employee was notified while on home leave of offer to transfer from Newfoundland to the Azores. He accepted offer and returned to old station to arrange transportation of household goods and complete processing of transfer. He also traveled to second location under amended home-leave orders.) Although employee is entitled to only one home-leave trip between overseas tours under 5 U.S.C. § 5728(a), he should be reimbursed travel expenses incurred not to exceed constructive costs of one round trip between Newfoundland and second home-leave location, ^{which was} authorized by original orders, and from there to new station, since ^{the} agency required him to return to old station.

Captain Thomas H. Cecil, USAF, Accounting and Finance Officer, Headquarters 1605th Air Force Wing (MAC), APO New York, requests an advance decision whether payment of certain travel expenses incident to home leave may be made to John B. Willis, Jr., a former teacher at the Navy dependent school, Argentia, Newfoundland, Canada. The request was forwarded by the Per Diem, Travel and Transportation Allowance Committee which assigned it PDTATAC Control No. 78-28.

A travel authorization dated June 1, 1977, was issued to cover the home-leave travel of Mr. Willis, his wife, and son, to Mariposa, California, and return. Mr. Willis departed his permanent duty station at Argentia, Newfoundland, on June 16, 1977, and arrived at Kittyhawk, North Carolina, an intermediate leave point, on June 25, 1977. While at Kittyhawk, Mr. Willis received notification of a reassignment offer to Lajes Field, Azores. He accepted the reassignment, and on June 29, 1977, departed Kittyhawk to return to Newfoundland. The Air Force reports that Mr. Willis was required to return to Newfoundland to ship his household goods and complete change-of-station processing. However, there is nothing in the record to indicate that he was required to depart Kittyhawk immediately.

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At the time of his return to Newfoundland, Mr. Willis had not completed his renewal agreement travel. While at Newfoundland, Mr. Willis' renewal agreement travel orders were amended on July 8, 1977, to change the new official station from Newfoundland to Lajes Field, Azores. The amended travel orders authorized renewal agreement travel from Newfoundland to Mariposa, California, and return to Lajes Field, Azores, Portugal. After completing out-processing at Newfoundland, Mr. Willis departed under his amended orders and traveled to Dallas, Texas, before reporting to the Azores.

The Department of the Air Force has paid Mr. Willis his travel allowances from Newfoundland, to the Azores via Texas. Mr. Willis has also submitted a voucher for reimbursement for his original travel from Newfoundland to Kittyhawk, North Carolina, and return. The accounting and finance officer questions whether, under the circumstances described, Mr. Willis may be paid for the renewal agreement travel between Newfoundland and Kittyhawk, and return.

Section 5728(a) of title 5 of the United States Code (1976) provides that an agency shall pay the round-trip travel expenses of an employee and his immediate family from his post of duty outside the continental United States to his place of actual residence at the time of appointment or transfer to the post of duty, after he has satisfactorily completed an agreed period of service outside the continental United States for the purpose of taking leave prior to serving another tour of duty at the same or another overseas post under a new written agreement entered into before departing from the overseas post. However, the cost payable by the Government for travel to an alternate location is restricted to the cost actually incurred and may not exceed the constructive cost to the place of actual residence. 46 Comp. Gen. 675, 677 (1977).

We believe he is entitled to more than the Air Force has paid him. When he accepted the offer, the agency required him to return to Newfoundland to arrange the transportation of his household goods and complete the change-of-station processing. Also, Mr. Willis performed the travel in question pursuant to a proper home-leave travel authorization. Under such circumstances he is entitled to reimbursement of home-leave travel expenses to the extent allowable by law and the regulations. However, we do

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not believe the authorization in the above-cited statute for one home-leave round trip of an overseas employee reasonably may be extended to cover travel expenses for a second home-leave trip before the employee has served an additional overseas tour of duty.

Accordingly, the voucher should be processed and Mr. Willis should be reimbursed for his travel expenses not to exceed the constructive cost of one round trip between Newfoundland and Texas, and the constructive cost of a trip from Newfoundland to the Azores. Also, an appropriate deduction should be made for payments previously made and found not to be reimbursable.


Deputy Comptroller General
of the United States