

DECISION



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

FILE: B-195563

DATE: April 7, 1980

MATTER OF: Thomas N. Wikstrom ^(Request for) Reimbursement for
Purchasing Residence

DIGEST: { Employee received change-of-station travel orders to Guam, where he purchased a residence. Residence purchase expenses are reimbursable as 14-month period that employee was stationed in Guam may be considered as meeting the requirement of 5 U.S.C. § 5724 and FTR para. 2-1.2a(1) that the transfer be for permanent duty, even though classification report categorized position as a "temporary assignment."

John A. Murphy, Acting Chief, Fiscal Services Branch, Finance Division, Office of Education, Department of Health, Education and Welfare has requested an advance decision on reimbursing expenses incurred by Mr. Thomas N. Wikstrom for the purchase of a residence incident to his transfer from Washington, D. C. to Guam.

The question to be decided is whether Mr. Wikstrom's transfer was "permanent" within the meaning of 5 U.S.C. § 5724 and FTR para. 2-1.2a(1). Both the statute and implementing regulations require that the transfer be permanent from one official station to another for reimbursement of real estate expenses to be permitted.

The Acting Chief, Fiscal Services Branch, questions whether Mr. Wikstrom's transfer may be considered permanent within the contemplation of the above regulations because of the following factors. A travel order was issued showing an approximate date of departure as August 25, 1977, and an approximate date of return as October 1, 1978. Further, a Government Transportation Request was issued August 23, 1977, showing a planned return to Washington, D. C. The Acting Chief points out that the position description under which Mr. Wikstrom was employed in Guam stated that "this is a temporary assignment to Guam not to exceed August 28, 1978," and that the record contains a memorandum dated May 23, 1979, from a Personnel Staffing Specialist in the Office of Education which states that from August 29, 1977,

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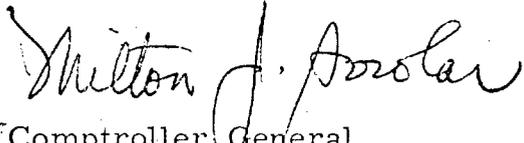
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to October 22, 1978, Mr. Wikstrom was temporarily assigned to the University of Guam. The Acting Chief did not mention, but the record does show, that Mr. Wikstrom's travel order authorized residence transactions expenses.

Our decisions have held, under Section 1 of the Act of August 2, 1946, as amended, now codified in 5 U.S.C. § 5724 (1976), that the words "transferred from one official station to another for permanent duty" have reference to a change in the permanent duty station of an employee without a break in service and not to the tenure of his appointment. 27 Comp. Gen. 757 (1948); 22 Comp. Gen. 219 (1942). In this regard, we have held that employees stationed in a foreign country for approximately 6 months may, for the period of such detail, be considered as permanently stationed there. 11 Comp. Gen. 153 (1931). Further, the fixing of the tenure of an appointment as either temporary or permanent, is not synonymous with the fixing of a temporary or permanent duty station for the purpose of reimbursing an employee's traveling expenses. 19 Comp. Gen. 347 (1939). Thus, the classification description of Mr. Wikstrom's position in Guam as a temporary assignment is not determinative of his right to transfer expenses.

In the case before us the employee's travel orders under the heading "change of station" specifically authorized residence transactions expenses and the transportation of dependents and household goods. Moreover, the Notification of Personnel Action (SF 50) stated the nature of the action taken as "change in duty station." Under the decisions cited above, it seems clear that a transfer for permanent duty was effected within the meaning of the statute and the Federal Travel Regulations, notwithstanding that the scheduled duration of the assignment was only 14 months.

Accordingly, Mr. Wikstrom may be reimbursed for the purchase of a residence on Guam and for his other transfer-related expenses insofar as his claim is otherwise proper.


Milton J. Arrolar
Comptroller General
of the United States