

DECISION



Mr. Koney
PLM

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

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FILE: B-198398

DATE: October 17, 1980

MATTER OF: Patsy R. Newton - Relocation Expenses

- DIGEST:**
1. Forest Service employee appeals denial of her claim for relocation expenses from Fremont National Forest, Lakeview, Oregon, to Sawtooth National Forest, Twin Falls, Idaho. Claim was denied as transfer did not appear to be in the Government's interest. Agency now advises us that appropriate official has determined that transfer was in the Government's interest. Accordingly, appropriate relocation expenses may be reimbursed.
 2. Employee's claim for reimbursement for movement of household goods is based upon the constructive weight of the goods. Employee can be reimbursed by this method only if she is able to show the amount of space occupied and that the goods were properly loaded in the space available. Otherwise, actual expenses may be authorized.

Mrs. Patsy R. Newton appeals the denial by our Claims Division (Z-2803623, January 30, 1980) of her claim for relocation expenses.

Mrs. Newton, was employed as a GS-305-3 file clerk by the United States Department of Agriculture Forest Service at the Fremont National Forest, Lakeview, Oregon. She applied through a vacancy announcement for a GS-305-3 mail and file clerk position at the Sawtooth National Forest, Twin Falls, Idaho. She was accepted as the best person qualified for the position and her transfer to Sawtooth was authorized, effective December 4, 1977. Apparently, Mrs. Newton desired to transfer to Sawtooth in order to accompany her husband, who was transferred to the Twin Falls area by his private sector employer. On the erroneous assumption that her husband's employer

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had covered the cost of relocating, the Forest Service declined to authorize reimbursement of Mrs. Newton's relocation expenses.

The Claims Division denied Mrs. Newton's claim on the basis that the statute and implementing regulations provide that relocation expenses cannot be paid when the transfer is made primarily for the convenience or benefit of an employee and is not in the Government's interest. See 5 U.S.C. § 5724(h) (1976).

Mrs. Newton has submitted additional arguments supporting her claim for relocation expenses. For the reasons set forth below, Mrs. Newton's additional arguments need not be discussed here.

The record submitted to this Office was not clear concerning whether Mrs. Newton's transfer was in the interest of the Government. Although her supervisor at the new duty station declared that the transfer was in the Government's interest, there was no indication of her authority to make that determination. Accordingly, we sought additional information from the Forest Service concerning this point. In response to our request we have been advised that the appropriate Forest Service official has stated that Mrs. Newton's transfer was in the interest of the Government.

Federal Travel Regulations (FPMR 101-7) (FTR) para. 2-1.3 (May 1973), provides:

"When change of official station or other action described below is authorized or approved by such official or officials as the head of the agency may designate, travel and transportation expenses and applicable allowances as provided herein are payable in the case of (a) transfer of an employee from one official station to another for permanent duty, Provided That: the transfer is in the interest of the Government and is not primarily for the convenience or benefit of the employee or at his request * * *."

We have held that under the above-quoted section, an employee is not entitled to payment of travel and

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transportation expenses and applicable allowances for authorized or approved changes of station unless there is a finding that the transfer is primarily for the convenience or benefit of the employee. See David C. Goodyear, 56 Comp. Gen. 709 (1977) and 54 id. 892 (1975).

[Since the appropriate agency official has now determined that Mrs. Newton's transfer was in the Government's interest, she may be reimbursed otherwise appropriate relocation expenses.]

We note, (however, that Mrs. Newton has claimed reimbursement for the movement of household goods to her new duty station based upon the constructive weight of the goods.) See FTR para. 2-8.2b(4) (May 1973).

[That paragraph authorizes reimbursement under the commuted rate method only if the employee is able to show the amount of space occupied by the household goods and that the goods were properly loaded in the space available. In establishing the amount of space which would have been occupied by her household effects if properly loaded, Mrs. Newton may submit a list of items transported together with the volume occupied by each based on actual measurement or a uniform table, preferably prepared by a commercial carrier.] See 48 Comp. Gen. 115 (1968).

Where evidence to support a claim for shipping household effects does not establish the cubic feet of properly loaded van space, the employee is not entitled to reimbursement at the commuted rate but may be reimbursed actual expenses incurred if evidence submitted reasonably supports the shipment of the claimed weight of household goods. Challis Broughton, B-193133, August 13, 1979.

(The voucher is being returned to our Claims Group for their action, as appropriate.)



For The Comptroller General
of the United States

UNITED STATES GOVERNMENT

GENERAL ACCOUNTING OFFICE

Memorandum

October 17, 1980

TO : Associate Director, FGMSD - Claims Group (Rm. 5858)

FROM : 
General Counsel

SUBJECT: Claim of Mrs. Patsy R. Newton - B-198398-O.M.

Returned with file Z-2803623. Attached is our decision of today in the above-captioned matter for your action, as appropriate.

Attachments