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Admission

DECISION



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

FILE: B-202657

DATE: January 26, 1982

MATTER OF: William A. Sherman - Miscellaneous Expenses -
Per Diem and Mileage Incident to Evacuation

DIGEST: Employee of National Park Service was ordered to vacate his Government provided quarters and move 26 miles to other Government provided quarters due to the danger of flash flooding. The agency paid for all expenses incident to the move, but employee claimed additional miscellaneous expenses, subsistence and mileage expenses. The statute authorizing transportation expenses for employees evacuated from danger areas does not provide reimbursement for all of those expenses. Miscellaneous expenses and subsistence expenses may not be paid since the move was not incident to a change of official duty station. However, the employee is entitled to reimbursement for mileage for transportation of his family by privately owned vehicle.

Foon C. Lee, an authorized certifying officer of the National Park Service, has requested an advance decision concerning the claim for miscellaneous expenses, per diem, and mileage of Mr. William A. Sherman, who was ordered to vacate his Government furnished quarters due to the danger of flash flooding. Based on the applicable law and regulation, Mr. Sherman may not be reimbursed for the miscellaneous expenses and per diem claimed. However, he may be reimbursed for mileage for transporting his family to his new residence.

On July 25, 1979, Mr. William A. Sherman, a Park Ranger assigned to Willow Beach, Arizona, received a memorandum from his supervisor concerning arrangements for vacating his official National Park Service quarters at Willow Beach, Arizona, due to the potential danger from flash floods. Mr. Sherman was required to vacate his quarters at Willow Beach by August 16, 1979, and move to Boulder Beach, Nevada, which is 26 miles from Willow Beach. The memorandum stated that Mr. Sherman's household goods would be moved at Government expense, but his official duty station would continue to be Willow Beach. Also, since both Willow Beach and Boulder Beach were within the Lake Mead National Recreation Area,

Mr. Sherman was authorized to utilize Government conveyance between both areas in order to carry out his official duties. The memorandum also stated that after work was completed at the residences at Willow Beach to make them safe from flood hazards, Mr. Sherman should expect to move back there at Government expense.

The move was made as described in the memorandum and the National Park Service paid for the moving expenses. However, Mr. Sherman submitted a voucher in which he claimed \$200 for miscellaneous expenses, \$11 for per diem, and \$3.90 for mileage incurred when he moved his family incident to his change of residence. Mr. Sherman submitted a list of miscellaneous expenses which included expenses for the purchase of Nevada license plates, connecting telephone and television cable service, and alteration of curtains and carpets to fit in his new residence.

The National Park Service denied Mr. Sherman's claim for miscellaneous expenses based on applicable regulations and our decision Veldon A. Chapman, 58 Comp. Gen. 134 (1978). We held in Chapman that the employees were not entitled to per diem and subsistence under the emergency evacuation authority in 5 U.S.C. § 5725 (1976).

Title 5, United States Code, section 5725, provides the authority for transportation at Government expense of the immediate family of a Government employee and household goods and personal effects when an official determination by proper authority is made that emergency evacuation is required. Here, the determination was made by an appropriate official that Mr. Sherman had to evacuate his family and move his household goods and the agency paid for such a move. However, no provision is made in 5 U.S.C. § 5725 for the reimbursement of miscellaneous expenses as well as subsistence or per diem expenses incident to such a move. See Veldon A. Chapman, 58 Comp. Gen. 134, previously cited.

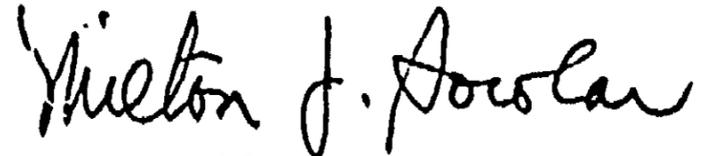
Further, the travel regulations state that miscellaneous expenses may be paid to an employee only in connection with an authorized or approved permanent change of duty station. Federal Travel Regulation (FTR) (FPMR 101-7, May 1973), para. 2-3.1. Here, Mr. Sherman's move was not an authorized permanent change of station since he remained

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at the same official duty station. Although the move was ordered by the Government, the employee is not entitled to miscellaneous expenses since no permanent change of station was ordered. B-171319, December 22, 1970.

However, the agency was incorrect in denying Mr. Sherman's claim for mileage. In Veldon A. Chapman, supra, we held that under 5 U.S.C. § 5725 employees would be entitled to reimbursement for mileage for transportation of their families by private automobile between their residence and the evacuation point. Since Mr. Sherman moved his family by his privately owned vehicle to his new residence, his claim for mileage may be certified for payment.

The voucher is returned for action in accordance with the above.



Acting Comptroller General
of the United States