

**DECISION**

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

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**FILE:** B-214904**DATE:** September 5, 1984**MATTER OF:** Roger E. Dexter**DIGEST:**

1. Employee of Defense Logistics Agency stationed in Germany was transferred to a duty station in Richmond, Virginia. The employee traveled to a place near his home of record in California prior to traveling to his new duty station in Richmond. The employee may not be reimbursed for his travel between Richmond and California. If prior to his departure from his overseas duty station the employee accepts a transfer to a duty station within the United States, he is entitled only to the travel and transportation expenses to his new official station.
2. Employee transferred from Germany to Richmond, Virginia, claims travel expenses and mileage for three round trips from the Richmond area to Norfolk in order to pick up his automobile which had been transported back to the United States at Government expense. The employee may not be allowed reimbursement for more than one round trip to Norfolk. As authorized by the applicable provision in Volume 2 of the Joint Travel Regulations, he may be allowed transportation expenses for one trip to the port at Norfolk and mileage for one trip back to the Richmond area.

The issue before us is whether an employee who was transferred from Europe to a permanent duty station on the East Coast of the United States is entitled to reimbursement for the additional cost of travel to a West Coast location, near his place of residence at the time of his assignment overseas, prior to reporting to his new duty station. In addition, we are asked whether the employee is entitled to transportation expenses for more than one trip from his new duty station to the vehicle port facility to which his automobile had been shipped at Government expense. The

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employee may only be reimbursed for the cost of travel to his new duty station and for one round trip to the vehicle port facility for the purpose of picking up his automobile.

These claims for additional reimbursement for travel and transportation expenses are presented by Mr. Roger E. Dexter, an employee of the Defense Logistics Agency.<sup>1</sup> The facts presented by the agency show that on October 25, 1981, Mr. Dexter was reassigned from Defense Depot, Tracy, California, to Zweibruecken, Germany. The agency advised that this area of California had been Mr. Dexter's residence for most of his life and that he believed that upon return from his overseas post of duty he would be entitled to travel to his place of actual residence at the time of his assignment to Zweibruecken. The record indicates that Tracy, California, was Mr. Dexter's home of record at the time of overseas assignment. In May of 1983 Mr. Dexter was transferred from Zweibruecken, Germany, to Richmond, Virginia. By travel order dated March 18, 1983, Mr. Dexter was authorized to travel from Zweibruecken to Richmond and to ship his automobile to the United States at Government expense.

Instead of traveling directly to Richmond, Mr. Dexter flew from Frankfurt, Germany, to San Francisco on May 5, 1983. He then proceeded to Roseville, California, where his father lives and where he had stored some household goods during the period of his overseas assignment. Roseville is approximately 80 miles from Tracy, California, Mr. Dexter's home of record at the time of his overseas assignment. On May 16, 1983, Mr. Dexter departed Roseville by privately owned vehicle and proceeded to Richmond, Virginia, where he arrived on May 20. In connection with his travel from Germany to California, Mr. Dexter claims reimbursement of an additional \$54.80, the difference between the \$402 airfare he actually paid and \$347.20, which he states is the fare for air travel from Germany to Richmond, Virginia. In addition, he claims mileage in the amount of \$503.10 for his travel by privately owned vehicle from Roseville, California, to Richmond, Virginia, together

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<sup>1/</sup> The matter was presented to us for an advance decision by R. E. Melroy, Accounting and Finance Officer, Defense General Supply Center, Richmond. It was assigned control number 84-5 by the Per Diem, Travel and Transportation Allowance Committee.

with per diem at the rate of \$50 a day for 4 days' travel time. Mr. Dexter has claimed reimbursement for the costs of his travel to and from California on the basis that he was led to believe that he would be returned to California at Government expense following his assignment in Germany.

Under 5 U.S.C. § 5724(d), an employee who transfers to a post of duty outside the continental United States is entitled to travel and transportation expenses to and from the post to the same extent and with the same limitations prescribed for new appointees under 5 U.S.C. § 5722. Under 5 U.S.C. § 5722 an agency may pay travel and transportation expenses from the employee's place of actual residence at the time of appointment to the place of employment outside the United States. It may pay travel and transportation expenses for return to the employee's place of actual residence when the employee has served the minimum tour of duty prescribed by the head of the agency, not less than 1 year nor more than 3 years, unless the employee is separated for reasons beyond his control which are acceptable to the agency concerned. See 5 U.S.C. § 5722(c). However, without regard to whether he has served the prescribed tour of duty, an employee who accepts a transfer of official station from a point outside the continental United States to one within the United States, is entitled only to travel and transportation expenses to his new official station and not to his place of residence. His acceptance and consummation of a transfer extinguishes rights he may have earned to transportation to his place of residence, except for the purpose of establishing his liability upon breach of a service agreement executed in connection with that transfer. Johnny R. Dickey, 60 Comp. Gen. 308 (1981) and B-164084, May 29, 1968, and decisions cited therein. While Mr. Dexter may have understood that he had a right to return to Tracy, California, at the end of his overseas tour of duty, such return transportation entitlement as he may have earned was superseded by the travel and transportation rights he acquired incident to his transfer to Richmond, Virginia. Accordingly, there is no basis upon which to allow Mr. Dexter the additional cost of his travel to California or the cost of his travel from California to Richmond.

Incident to his transfer to Richmond Mr. Dexter was authorized to transport his automobile back to the United States at Government expense. Upon being advised that

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his automobile had arrived in Norfolk, Virginia, Mr. Dexter traveled from his residence in Chesterfield, Virginia, to Norfolk on May 14, 1984. The employee states that he was unable to pick up his automobile upon his arrival in Norfolk because the Customs Service required that he first purchase a new catalytic converter. This requirement necessitated a second trip to Norfolk on June 7, 1983. His automobile was released to him at that time upon the presentation of proof that he had purchased a new catalytic converter. Mr. Dexter states that after taking possession of his automobile he drove the rental car he had used back to Chesterfield. The following day he returned by bus to Norfolk and drove his automobile back to Chesterfield. Mr. Dexter has claimed reimbursement of his travel expenses for his round-trip travel from Chesterfield to Norfolk on May 24, and on June 7 and 8, 1983. He states that he should be reimbursed for the costs of all three round trips to Norfolk since the Government requires the removal of catalytic converters upon the shipment of an automobile to Europe and requires the installation of a new converter upon return shipment to the United States. He further states that he should be reimbursed for these three round trips since the Government agreed to ship and return his vehicle at Government expense.

Transportation of an employee's privately owned vehicle at Government expense to overseas locations and return is authorized pursuant to 5 U.S.C. § 5727. Implementing regulations applicable to Department of Defense civilian employees are contained in volume 2 of the Joint Travel Regulations (2 JTR). Concerning travel to a vehicle port facility, 2 JTR para. C11004-4 provides in pertinent part that when an employee or his designated representative, makes a separate trip to a port to reclaim his vehicle, per diem is not allowable, but the cost of one-way transportation actually incurred for travel to the port and one-way return mileage at the rate set forth in 2 JTR para. C4651-2a is authorized.

Mr. Dexter's entitlement to reimbursement for his travel to pick up his automobile is limited by this regulation. See Alfred A. Procopio, B-190854, July 7, 1978. Accordingly, Mr. Dexter may be allowed reimbursement for the cost of one-way transportation from Chesterfield to Norfolk and mileage for his return to Chesterfield incident

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to one round trip. In view of the limitations set forth at 2 JTR para. C11004-4. Mr. Dexter's claim for any additional reimbursement for his travel to Norfolk for the purpose of picking up his automobile must be disallowed.

*for* *Milton J. Arostan*  
Comptroller General  
of the United States