



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: James H. Bahti - Foreign Service Retirement -
Separation Travel
File: B-224767
Date: July 10, 1987

DIGEST

A State Department employee retired from the Foreign Service on December 31, 1983, and timely performed domestic separation travel from McLean, Virginia, to his designated place of residence, Tucson, Arizona. The State Department questions whether he may be reimbursed since he did not establish a residence in Tucson, but returned to his residence in McLean. The Foreign Affairs Manual states that an employee who retires from the Foreign Service is entitled to travel to a designated place of residence in the United States, provided that the travel is performed within 6 months of separation, unless extended. Since the employee traveled before the extended deadline, he is entitled to be reimbursed his travel expenses even though he did not establish a residence in Tucson.

DECISION

This decision is in response to a request from the Office of Financial Operations, Department of State, concerning the entitlement of a Foreign Service officer to be reimbursed for travel expenses incident to his retirement on December 31, 1983. We conclude that he is entitled to reimbursement for the following reasons.

BACKGROUND

Mr. James H. Bahti, a Foreign Service Officer, after service abroad, retired from the Foreign Service in Washington, D.C., on December 31, 1983. Earlier that month, Mr. Bahti was issued travel orders authorizing official separation travel from Washington, D.C., to Tucson, Arizona, by privately owned vehicle, plus travel per diem, as authorized by Volume 6 of the Foreign Affairs Manual (6 FAM). Mr. Bahti had designated Tucson, Arizona as his

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residence for service separation prior to his retirement.
See 3 Foreign Affairs Manual 124.3b(3) (3 FAM).

Pursuant to his travel orders, Mr. Bahti performed travel from McLean, Virginia, to Tucson, Arizona, on September 19, 1984, as separation travel. After remaining in Tucson several months, he decided not to retire at that location. He returned to his McLean residence in early December 1984, where he continues to reside.

Incident to that travel Mr. Bahti had requested and received a \$1,400 travel advance on August 14, 1984. Not until July 2, 1986, did he file his travel voucher claiming \$1,331.78 in expenses against the advance. After adjustment, a total of \$1,164.02 was initially allowed. However, when it was noted that his residence address was still McLean, Virginia, an administrative challenge to this entitlement was asserted since it did not appear that he had performed travel to Tucson for the purpose of residing there. The agency now questions whether Mr. Bahti properly effected separation travel as contemplated under the regulations. Mr. Bahti, in turn, argues that the travel he and his wife performed to Tucson was for the purpose of establishing a separation residence. He says that, because they did not find suitable quarters there and for other reasons, they decided not to establish a retirement residence in the Tucson area, and instead they returned to their home in McLean, Virginia.

The question asked by the agency is whether Mr. Bahti's trip to Tucson, Arizona, qualified under the law and regulations as separation travel since he did not establish residence at that location.

OPINION

The law governing travel, leave and other benefits for members of the Foreign Service is contained in Title I, section 901 of Public Law 96-465, October 17, 1980, 94 Stat. 2071, 2124, 22 U.S.C. § 4081 (1982), which provides that the Secretary may pay the travel and related expenses of members of the Service and their families. Regulations implementing these provisions are contained in 3 FAM and 6 FAM. Thus, 3 FAM 782.1 provides general eligibility standards for travel and shipment of household effects of employees separating from the Foreign Service. This authority is expanded in 6 FAM 125.7, under the heading of retirement and other separation travel, which provides that official travel and transportation may be authorized for Foreign Service personnel, their families, and effects, from their post to a

"designated place of residence" in the United States, its possessions, or the Commonwealth of Puerto Rico. If the employee elects to reside at other than the designated place of residence, his expenses are allowed, limited to the constructive cost to his designated place of residence.

Accordingly, the issue to be decided is whether Mr. Bahti qualifies for reimbursement of separation travel to his designated place of residence, even though he did not establish a residence there.

This Office has decided a case concerning an employee's entitlement to travel and transportation of effects to a designated place of residence upon retirement under similarly worded predecessor regulations in 6 FAM 125.9. In June Purcilly, B-181475, February 19, 1975, a United States Information Agency (USIA) employee retired and traveled from Laos to her designated place of residence in Naples, Florida. Since the employee had decided to retire and live in Spain, the USIA denied her request for reimbursement for her travel and shipment of household goods to her designated place of residence in Naples, Florida, and limited her entitlement to the cost of travel and shipment from Laos to Spain. We held that under the provisions of 6 FAM 125.9 (now 6 FAM 125.7) a separated employee has a vested right to return travel from an overseas post to his or her designated place of residence in the United States unless travel is requested to an alternative location.

Since Miss Purcilly exercised her right to travel to her designated place of residence in the United States and traveled within the time limitation prescribed in 6 FAM 132.2, we allowed reimbursement for such travel.

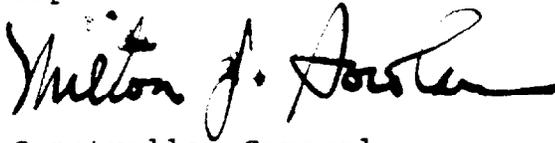
Accordingly, since Mr. Bahti performed travel upon separation to his designated place of residence, Tucson, Arizona, he is entitled to be reimbursed, even though he did not establish a residence there, subject only to the following time limitation in 6 FAM 132.2-2:

"132.2-2 Separation From the Service. When an employee is separated from the Foreign Service and qualifies for travel and shipment of effects * * * the actual departure of the employee, the departure of the employee's family, and the transportation of all effects shall not be deferred more than 12 months (6 months if only domestic travel is involved). The time limitation will be calculated from the employee's last day in pay status unless an earlier or later limitation

is specified in the travel authorization or the time limit is extended."

Mr. Bahti's last day in a Foreign Service pay status was December 31, 1983. Mr. Bahti did not begin travel to Tucson until September 19, 1984, more than 2 months after expiration of the 6-month domestic travel time limit prescribed in 6 FAM 132.2-2. However, on April 12, 1984, he specifically requested in writing a 6-month extension until the end of December 1984, in order to ship his household goods to Tucson. The State Department authorized an extension, but only until September 30, 1984. Mr. Bahti's request referred only to shipment of his household goods, however, since the delayed arrangements for his household goods shipment would also result in an expected travel delay, we construe the extension as also applicable to the separation travel.

Therefore, since Mr. Bahti and his wife did travel to Tucson before the September 30 deadline, we conclude that the separate travel was timely performed under the applicable regulations, and he is entitled to be reimbursed for the expenses of that travel.

for 
Comptroller General
of the United States