



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Bernard W. Wilson - Relocation Expenses

**File:** B-228878

**Date:** October 21, 1988

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### DIGEST

Employee transferred laterally to the same position and grade he held previously is properly denied reimbursement for relocation expenses where the position to which he transferred had no further promotion potential as such a move is primarily for the benefit and convenience of the employee.

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### DECISION

A civilian employee of the Defense Logistics Agency (DLA) seeks reimbursement of relocation expenses incurred in connection with a lateral transfer within DLA.<sup>1/</sup> For the reasons that follow we find the employee not to be entitled to such reimbursement.

In July 1986, Mr. Bernard W. Wilson, a DLA Contract Price/Cost Analyst stationed at Owego, New York, applied for a lateral reassignment to the same position at the same grade with no further promotion potential in Syracuse, New York. Mr. Wilson's application was in response to a published Job Opportunity Announcement (JOA), JOA No. 253-86. In September 1986, Mr. Wilson was advised by DLA that he was the tentative selectee, but that even if his selection was approved, expenses for the move would not be authorized because the reassignment was deemed to be primarily for his own benefit and convenience. Subsequently, Mr. Wilson submitted a statement that he was aware that he would have to pay his own travel and transportation expenses.

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<sup>1/</sup> This matter was submitted to this Office by Headquarters, Defense Logistics Agency through the Per Diem, Travel and Transportation Allowance Committee and was assigned PDATAC Control No. 87-15.

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Mr. Wilson contends that he was informed through local labor representatives that there had been two lateral reassignments in the region and that the employees involved had received relocation expenses. On this basis he concludes that he should be entitled to the relocation expenses he incurred. The agency responds to Mr. Wilson by stating that both of these lateral transfers were in the interest of the government. One was a directed reassignment as part of a rotational program and the other was a secretarial position that was considered a "hard-to-fill" vacancy.

Mr. Wilson also points out that para. C4100 2.6 of Volume 2 of the Joint Travel Regulations provides that a move may be considered to be in the interest of the government even when the employee takes the initiative in obtaining a transfer when his services are needed at an activity but the fact that he requested the transfer is not the deciding factor. Mr. Wilson believes that because he did not initiate the transfer but merely applied for it under a Job Announcement, his move should not be held to be primarily for his benefit and convenience.

Payment of travel and relocation expenses upon an employee's change of station under 5 U.S.C. §§ 5724 and 5724a (1982) is conditioned upon a determination by the head of the agency concerned or by the designated official that the transfer is in the interest of the government and is not primarily for the convenience and benefit of the employee, or at his request.

Recognizing the authority of the employing agency to determine whether a transfer is in the interest of the government or primarily for the convenience and benefit of the employee, we have consistently held that the agency's determination will not be disturbed absent a finding that it was arbitrary, capricious or erroneous under the facts. Further, we also have held that an employee who is reassigned to the same position from which he was transferred, with no further promotion potential, is moved primarily for the employee's benefit and convenience. See, Carol B. McKenna, B-214881, May 15, 1984, and James C. Jackson, Jr., B-210739, June 7, 1983.

Accordingly, we affirm DLA's determination that Mr. Wilson is not entitled to reimbursement of the relocation expenses incurred in connection with his transfer.

*Milton J. Fowler*

**Acting** Comptroller General  
of the United States