



**Comptroller General  
of the United States**

Washington, D.C. 20548

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## Decision

**Matter Of:** Jean Jacobson - Relocation Expenses - Transfer  
Primarily for Employee's Benefit

**File:** B-236651.3

**Date:** September 21, 1990

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### DIGEST

A transferred employee's entitlement to relocation expenses is contingent upon, among other things, a determination that the transfer is not primarily for the convenience or benefit of the employee or at her request. Primary responsibility for such determination rests with the agency, and GAO will not disturb the agency's determination unless it is clearly erroneous, arbitrary or capricious. Neither the possible benefit to the agency of the transfer nor the assertion that the employee requested the payment of relocation expenses at the time of her transfer is sufficient in and of itself to overturn the agency's determination that the transfer was primarily for the employee's benefit. Jean Jacobson, B-236651, Feb. 12, 1990, affirmed.

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### DECISION

In this decision we reconsider the claim of Ms. Jean Jacobson, an employee of the Social Security Administration (SSA), for reimbursement of her relocation expenses incurred pursuant to her transfer from Omaha, Nebraska, to a part-time position in Grand Island, Nebraska, incident to a permanent change of station. That disallowance was based on the finding that the employee's relocation was primarily for her own convenience or benefit. For the reasons set forth below, we affirm our prior decision, Jean Jacobson, B-236651, Feb. 12, 1990, which denied the employee's claim for reimbursement of relocation expenses.

In her request for reconsideration Ms. Jacobson asserts that she had requested the payment of relocation expenses at the time of her transfer, contrary to a statement in our earlier decision that she had not done so. Further, Ms. Jacobson contends that, although the transfer was beneficial to her, it was also beneficial to her agency as the agency was able to fill a vacancy with a trained productive employee. Additionally, Ms. Jacobson alleges that in a similar situation which occurred in her geographic area about a year after

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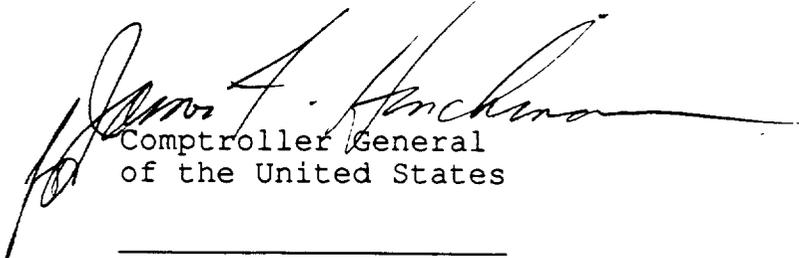
her transfer, a new area director authorized and reimbursed another employee for relocation expenses. Ms. Jacobson believes that the only difference was the change in area directors, and she makes the point that the policy governing relocation expense reimbursement should be administered equally and fairly to all employees.

Section 5724(h) of title 5, United States Code, prohibits payment when a transfer is made primarily for the convenience or benefit of an employee or at the employee's request. See also paragraph 2-1.3a of the Federal Travel Regulations (FTR).<sup>1/</sup> Agencies have broad discretion to determine whether a particular transfer is in the interest of the government or for the benefit of the employee. Dante P. Fontanella, B-184251, July 30, 1975. Where an agency acts under that authority, we do not disturb its determination unless it is arbitrary, capricious, or clearly erroneous. Marianne Poarch Meehan, B-211572, Aug. 1, 1983, and decisions cited.

Although it may be that Ms. Jacobson had requested reimbursement of her relocation expenses, to us the operative fact is that the transfer was initiated as an accommodation to Ms. Jacobson to continue her service with the SSA. Moreover, the agency never agreed to pay her relocation expenses incident to the transfer. The record is also clear that Ms. Jacobson and her husband had decided to move to Grand Island, prior to an offer of a position by SSA. Therefore, we reaffirm our characterization of her relocation as being primarily for her own convenience or benefit even though that benefit also accrued to the government for the reasons stated by Ms. Jacobson.

In response to Ms. Jacobson's assertion that another employee who transferred about a year later under similar circumstances was granted reimbursement of relocation expenses, we do not have specific information of the circumstances of that case. In any event the agency's determination in Ms. Jacobson's case is sufficiently supported, and we decline to disturb it.

Accordingly, our prior decision in Ms. Jacobson's case is affirmed.

  
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<sup>1/</sup> Incorp. by ref., 41 C.F.R. § 101-7.003 (1987).