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Putnam



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: National Security Agency

File: B-244185

Date: August 13, 1991

DECISION

The National Security Agency (NSA) requests an advance decision as to the propriety of authorizing reimbursement of student educational travel expenses incurred by the dependent son of one of its employees from a foreign post of duty to the United States, which commenced 3 days prior to the established anniversary date for such travel.^{1/} For the reasons stated in this decision, reimbursement may be authorized.

The NSA declined to issue travel orders for the educational travel of the employee's son because such travel commenced on January 17, 1990, 3 days prior to January 20, 1990, the anniversary date for authorization of round-trip educational travel in this case. The employee feels that payment should be allowed because the intent of educational entitlements is to provide travel safely and logically and that it is impossible or highly uncomfortable to meet 365-day markers.

The travel expenses of dependents of an employee to and from a school in the United States to obtain an American secondary or undergraduate college education, not to exceed one annual trip each way for each dependent, may be granted to an employee in a foreign area.^{2/} The regulations implementing the statute in force when the travel here was performed are found in the Standardized Regulations (Government Civilians, Foreign Areas), § 280 et seq. (May 22, 1988). Section 283 provides for reimbursement to the employee for travel expenses for a child to a school in the United States from the employee's foreign post for college education and return to the post, once each way annually. Section 283.1a states that, after the initial round trip, subsequent round trips may be authorized 12 months after the date of the first leg of the first educational travel trip. (Here, the date of the first leg of

^{1/} The request was submitted by Mr. Alan P. Smith, Finance and Accounting Officer, NSA (Serial: N44-476-91).

^{2/} 5 U.S.C. § 5924(4)(B) (1988).

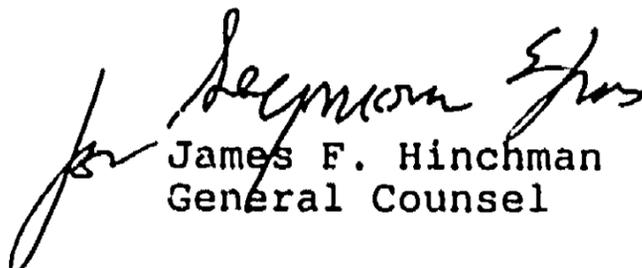
the first trip was January 20, 1989.)^{3/} Section 283.2 states that dependents may not travel on educational travel orders or be reimbursed for travel performed before the date they are eligible to travel.

On February 24, 1991, sections 283.1 and 283.2 of the Standardized Regulations were amended to allow reimbursement of educational travel expenses on an individual case-by-case basis, for a 14-day period prior to the dependent's eligibility date to help ease scheduling problems.

We view the amendment of sections 283.1 and 283.2 of the Standardized Regulations in 1991 as clarifying the prior regulatory provision. Specifically, the amended regulation recognizes that since schools have widely varying opening and closing dates, especially on the college level, a period, 14 days prior to the eligibility date, was needed to help ease scheduling problems.

Here, NSA reports that the employee's son is a dormitory resident at the University of Maryland, College Park, Maryland, with no friends or relatives to assist him in arranging for his travel, living quarters, or administrative responsibilities. Additionally, the student's anniversary date fell on a Saturday and weekend travel is discouraged due to the extra costs involved. The NSA also states that if the employee's son had traveled on Saturday, the 20th, he would not have been able to gain access to his dormitory, nor could he have arrived any later than Friday, the 19th, to sign for his dormitory room. His classes started on Monday, January 22. Also, the dependent had a late change in one of his courses and was required to be in College Park by Wednesday, the 17th, to register for the new course.

Under the circumstances of this case, we believe that NSA is authorized to reimburse the NSA employee for the educational travel expenses incurred by his son in traveling between his foreign post of duty and College Park, Maryland, on January 17, 1990.


James F. Hinchman
General Counsel

^{3/} The employee's son performed educational travel from the foreign post to the United States in August and December 1989, at the employee's personal expense.