



## COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D.C. 20548

B-176798

FEB 2 1973

Mr. J. C. Sharp, Authorized Certifying Officer  
Federal Highway Administration - Region 9  
U. S. Department of Transportation  
450 Golden Gate Avenue, Box 36096  
San Francisco, California 94102

Dear Mr. Sharp:

We refer to your letter of August 8, 1972, your reference 920-005, by which you request our decision whether you may properly certify for payment the enclosed voucher of Mr. \_\_\_\_\_, an employee of the Sacramento, California Operating Division, Federal Highway Administration, for reimbursement of the costs he incurred in connection with the purchase of a residence in the circumstances set out below.

You indicate that 5 other employees of the Sacramento office were subject to similar circumstances and that a decision in this case may be applicable to some of those employees.

Mr. \_\_\_\_\_ was transferred to the Sacramento office effective October 12, 1970, at which time he occupied the position of highway engineer (trainee). You describe the particular circumstances involved as follows:

"To assist us in coping with added highway construction work-load resulting, in part, from the February 1971 earthquake in California, six Federal Highway Administration graduate Engineering Trainees were placed in our Sacramento, California, Operating Division. Three of the personnel spaces occupied by these employees were permanent, and three were loaned from our Highway Engineer Training Program for a 1-year period. We were to repay the loaned spaces as other Engineering vacancies occurred in our Region within the 1-year time limitation. In fairness to each employee, we did not specifically assign or identify any one employee to either a permanent or loaned space.

"Consequently, in advising the graduate Trainees so assigned, we pointed out that in the event a sufficient number of Region Nine ceiling spaces did not become vacant, our Washington office might place them in another region where

permanent vacancies did exist. We also pointed out to these employees that they should seriously consider the conditions of their assignments in their establishing of a permanent residence. (Because of the uncertainties involved, we felt these employees should have the opportunity to weigh whether a purchase of a home was in their best interest; however, our memorandum advice did not preclude these employees from purchasing a home in the Sacramento area.)

"Conditions remained as described above until July 22, 1971, when we notified the chief official in our California Division, Division Engineer D. E. Trull, that the 'overage' had been absorbed and the employees concerned now could feel free to establish their permanent residences on the same basis as all other full-time, permanent employees of the California Division."

It has been held that the effective date of an employee's transfer is the date he reports for duty at his new official station under an appropriate authorization or other official requirement. 46 Comp. Gen. 595 (1967). However, employees may also be assigned to duty at a particular station for temporary periods or they may be assigned under the training provisions of 5 U.S.C. 4101-4118. Although the actions taken with respect to Mr. \_\_\_\_\_ and the other trainees here involved may have been considered in the nature of transfers by the administrative officials involved, the materials furnished show that the trainees were not clearly advised that they were transferred as of the date of their initial assignments to Sacramento and that they were subject to the provisions of 5 U.S.C. 5724, 5724a, and the regulations issued thereunder, at that time. In the circumstances we do not believe that the employees concerned should be held to the time limitation contained in section 4.1e of Office of Management and Budget Circular No. A-56, based on the date they originally reported to Sacramento. Accordingly, the date of the transfers for purposes of applying the time limit for the purchase and sale of residences may be considered to be the date on which the permanent assignments to Sacramento were confirmed i.e., July 22, 1971.

For the reasons stated Mr. \_\_\_\_\_ claim may be allowed if otherwise correct. Other similar claims for reimbursement of residence

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purchase costs may be allowed if settlement was reached prior to July 23, 1972, or if under section 4.1e of Office of Management and Budget Circular No. A-56, revised August 17, 1971, an extension of time from that date is properly granted.

For the reasons stated the voucher which is returned herewith may be certified for payment.

Sincerely yours,

Paul G. Dawbling

Acting Comptroller General  
of the United States