



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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B-179449

November 26, 1973

Mr. Joseph A. Pagliarotti
Authorized Certifying Officer
Bureau of Mines
United States Department of the Interior
Building 20, Denver Federal Center
Denver, Colorado 80225

Dear Mr. Pagliarotti:

Reference is made to your letter dated August 10, 1973, with enclosures, requesting our advance decision as to the propriety of certifying for payment the enclosed travel voucher in the amount of \$265.50 in favor of Mr. Thomas E. Anderson representing the expenses of a house hunting trip prior to his permanent change of station from Duluth, Minnesota, to Lansing, Michigan.

The record shows that Mr. Anderson and his wife performed the house hunting trip during the period June 18-26, 1973. However, the travel authorization issued on June 5, 1973, to cover the change of station transfer did not mention the house hunting trip. This trip had been discussed with his supervisors and it was apparently planned that Mr. Anderson would make spot safety inspections of operations in the Lansing area at the same time he performed his house hunting trip. Mr. Anderson's supervisor has informed us that the house hunting trip was inadvertently omitted from the transportation request prepared for Mr. Anderson's reassignment from Duluth to Lansing.

Under P. L. 89-516, 5 U.S.C. 5724a(n)(2), which is implemented by Federal Property Management Regulation (FPMR) 101-7, paragraph 2-4, an employee and his spouse may, under appropriate circumstances, incident to a permanent change of station, be authorized one round trip to seek permanent residence quarters at his new duty station. FPMR 101-7, paragraph 2-43c states:

"c. Authorization prior to trip. The trip for finding residence quarters shall not be made at Government expense unless a permanent change of station travel order has been issued which includes authorization for the round trip and mode of transportation and period of time allowed for the

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trip, specifies the date for reporting at the new official station, and indicates that the employee has signed the required agreement. An employee shall be in a duty status during the authorized round trip period of absence."

In certain cases we have allowed the payment of expenses for a house hunting trip notwithstanding the fact that no written authorization had been issued prior to the trip where the employee was verbally authorized the trip by a responsible officer before it was taken and the manner in which it was taken was in the best interests of the agency. See B-167519, October 29, 1969; B-170329, October 19, 1970; B-175938, November 16, 1972. In the present case Mr. Anderson was advised by his supervisors that his house hunting trip was authorized. His supervisors, however, did not have the authority to grant such approval. We have held that in the absence of authorization prior to performance of the trip by an official vested with authority to grant such authorization, house hunting trip expenses may not be reimbursed. See B-168614, January 14, 1970; B-168797, March 6, 1970; B-175802, July 24, 1972. In the present case, no authorization, verbal or written, was given to Mr. Anderson by any duly authorized official prior to the trip.

The travel authorization issued June 5 by a duly authorized official does not mention a house hunting trip. The inclusion in the authorization of the statement, "Provisions of P. L. 89-516 approved July 21, 1966, defined in Office of Management and Budget (OMB) Circular No. A-56 will apply to this transfer" is not sufficient to allow reimbursement of house hunting trip expenses because FPMR 101-7, paragraph 2-4.1a (which superseded OMB Circular No. A-56 on May 1, 1973) states that an appropriate official of the agency responsible for payment of travel and transportation allowances must specifically determine whether such a trip should be authorized. FPMR 101-7, paragraph 2-4.1b states that the trip "shall be authorized only when the circumstances indicate it is actually needed." Inasmuch as these provisions require specific circumstances to be found to exist before such a trip may be authorized by the appropriate officials, the general statement applying P. L. 89-516 to the transfer is not adequate to permit reimbursement for travel to seek residence quarters.

The only administrative errors which may be retroactively corrected to increase or decrease benefits allowable to employees are those which relate to a failure to follow the specific intent of the appropriate authorizing official. B-168797, supra. The duly authorized officials

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could form no specific intent with regard to Mr. Anderson's entitlement to a house hunting trip at Government expense, since they were not requested to authorize the trip. Therefore, no post-approval of the trip by those officials claiming an administrative error may be made. The failure of Mr. Anderson's supervisors to obtain proper authorization for the house hunting trip cannot be construed to be an administrative error whereby an exception to the regulatory requirements may be granted.

In view of the foregoing, the voucher which is returned herewith may not be certified for payment. Moreover, Mr. Anderson is not entitled to per diem for the period in question by virtue of the contemplated spot safety inspections of operations in the Lansing area, since no appropriate travel authorization was issued therefor and the contemplated inspections were never made.

You also posed a broader question regarding FPMR 101-7, paragraph 2-4 as to whether this regulation permits reimbursement for expenses in connection with a trip to seek residence quarters if the reason for such a trip was to close on a purchase agreement which was executed prior to the actual taking of the trip. We do not ordinarily answer general or hypothetical questions but only render decisions on specific questions presented. However, in this case the answer is clear. FPMR 101-7, paragraph 2-4.1 sets forth the general policy that a house hunting trip should be authorized only when it is actually needed. In B-162503, June 12, 1969, we held that a trip after execution of the purchase agreement for a house in order to make a final inspection, arrange home financing or execute the settlement documentation is beyond the scope of 5 U.S.C. 5724a(a)(2) and section 2.4 of the OMB Circular No. A-56 (now FPMR 101-7, paragraph 2-4). Therefore, your question must be answered in the negative.

Sincerely yours,

R.F. KELLER

Deputy Comptroller General
of the United States