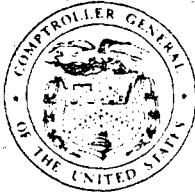


DECISION



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

60025

FILE:

DATE: OCT 9 1975

MATTER OF: B-182427

DIGEST:

James H. Fox--Claim for travel expenses to and from work.

97851

1. Where employee's job is relocated from Washington, D.C., to Hyattsville, Maryland, employee may not be reimbursed transportation costs of commuting to new job location since costs incurred in commuting between residence and permanent duty station are to be borne by employee.
2. Location of employee's official station is question of fact, and it has been held that employee's official duty station is place at which he performs major part of duties and is expected to spend greater part of time.

This action is a reconsideration of the denial on May 13, 1974, by the Transportation and Claims Division of our Office, of the claim of Mr. James H. Fox for round trip mileage and parking fees for travel between his residence and duty station as an employee of the Department of the Navy. Mr. Fox's claim was disallowed on the ground that his assignment to Hyattsville, Maryland, was of a permanent nature and that employees must bear the cost of transportation from place of residence to official duty station.

NAVSHIPS Notice 5430, dated November 7, 1968, advised all Deputy Commanders of the Naval Ship Systems Command about the relocation of the Naval Ship Engineering Center (NAVSEC), and certain support elements, including Mr. Fox's organizational element, from the Main Navy Building, Washington, D.C., to the Center Building, Prince George's Center, Hyattsville, Maryland. The notice also advised that:

- "(2) b. Those personnel identified for relocation with NAVSEC will be notified of change of duty station; there will be no change for any personnel in type of appointment, position, grade, or salary.

"c. * * * a relocation of private residence may not be considered as primarily incident to the relocation of NAVSEC, and that no expense related to relocation of a private residence can be borne by the Government. * * * additionally, * * * the Joint Travel Regulations do not provide for payment for temporary-duty travel between permanent place of residence and permanent duty station."

James H. Fox was assigned to Hyattsville in connection with the relocation of NAVSEC and remained there from February 1969 to December 1970. He requests that he be reimbursed for the transportation expenses between his home and Hyattsville and for his parking fees at Hyattsville. The claimant seeks reimbursement on the basis that his assignment to Hyattsville was only temporary and that the position was to be filled on a rotational basis. He states that there was no standard form placed in his personnel file to show that there had been a change in duty station. In addition, Mr. Fox argues that NAVSHIPS Notice 5430 was just informational, that the personnel to be relocated would be notified, but that he was never so notified except for a November 6, 1968, memorandum indicating that he and three other named employees were being "detailed" to NAVSEC. Finally, Mr. Fox points to the statement in a "Memorandum of Understanding" concerning the relationship between his organizational element and NAVSEC which lists the positions to be filled in the SHIPS O2/NAVSEC Procurement Planning Office in Hyattsville and notes "(Personnel may be rotated from time to time)."

With the relocation of NAVSEC to Hyattsville, Mr. Fox's job was also transferred and he remained in that position for approximately 22 months. The administrative office in a memorandum to Mr. Fox after he had left Hyattsville explained in great detail that his assignment to NAVSEC, Hyattsville, had been a permanent change of duty station and not a temporary change.


Decisions of our Office have consistently held that no authority exists for reimbursement of an employee for the expenses incurred in traveling from his residence to his place of business. As stated in the Transportation and Claims Division Settlement, this is an expense which must be borne by the employee. See 11 Comp. Gen. 417 (1932); 15 id. 342 (1935); 19 id. 836 (1940); 36 id. 450 (1956).

The location of the official station of an employee presents a question of fact and is not limited by the administrative designation. But it has been consistently held by this Office that an employee's official duty station is the place at which he performs the major part of his duties and is expected to spend the greater part of his time. 32 Comp. Gen. 87 (1952). Upon the present record, our Office finds no proper basis to disagree with the determination by the Department of the Navy that Hyattsville was Mr. Fox's official duty station during the period in question.

Moreover, even if it were to be concluded that no transfer of permanent duty station occurred, disallowance of the claim is required. This is so because the Department of the Navy, within its discretion, did not authorize or approve payment of daily commuting expenses to Mr. Fox.

Finally, we note that some of the requested transportation expenses were paid by the Department of the Navy on the basis that their payment was advantageous to the Government. In view of the apparent misunderstanding that seems to have been present at the time of Mr. Fox's assignment to Hyattsville, no action need be taken by the Department of the Navy to recover the partial payments administratively made to Mr. Fox for commuting expenses.

Accordingly, we sustain the action of the Transportation and Claims Division in disallowing Mr. Fox's claim for travel performed between his residence and duty station.

 Thomas D. Ivers

Acting Comptroller General
of the United States