

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**50974
097309
U97309FILE: B-183283
MATTER OF:

DATE: AUG 5 1975

DIGEST: William S. Harris--relocation benefits--Federal
employee assigned under Intergovernmental
Personnel Act

Employee stationed at Kansas City, Missouri, was given Intergovernmental Personnel Act (IPA) assignment to Jefferson City, Missouri, and at termination of such assignment was transferred to Dallas, Texas. Employee may not be reimbursed for expenses of sale of residence or allowed a miscellaneous expenses allowance under IPA provisions in 5 U.S.C. 3375 since they do not provide for such allowances. However, such expenses could be allowed incident to a transfer from Kansas City to Dallas since Jefferson City was a temporary duty station. Real estate expenses may not be reimbursed since residence was not located at old station. Miscellaneous expenses allowance may be allowed since employee relocated his residence.

The Department of Labor requests a decision as to whether William S. Harris, an employee of the Department, may be reimbursed real estate expenses and be granted a miscellaneous expense allowance in connection with the termination of an Intergovernmental Personnel Act (IPA) assignment and a permanent change of station move.

The Department submitted a copy of a travel voucher in the amount of \$3,225 wherein Mr. Harris claims reimbursement of \$3,025 real estate expenses for the sale of his residence at Jefferson City, Missouri, and a \$200 miscellaneous expense allowance. The record shows that Mr. Harris, who was employed at Kansas City, Missouri, was sent to Jefferson City on an IPA assignment to be the Director of the Division of Employment Security for the State of Missouri. The assignment began April 30, 1973, and was scheduled to terminate April 29, 1975. However, after 13 months, the Department of Labor gave Mr. Harris another appointment in the Department at Dallas, Texas, effective May 22, 1974, and terminated the IPA assignment.

In its letter of February 20, 1975, the Department's representative states that it has "determined that none of these expenses are reimbursable inasmuch as Mr. Harris has terminated an IPA assignment and, therefore, is not entitled to the allowances under the circumstances."

The Intergovernmental Personnel Act of 1970, Pub. L. 91-648, approved January 5, 1971, 84 Stat. 1909, provides that appropriations of an executive agency are available to reimburse a Federal employee for certain travel, transportation, and change of station expenses incurred. Section 3375 of title 5, United States Code, added by section 402(a) of that act, in pertinent part reads as follows:

"§ 3375. Travel Expenses

"(a) Appropriations of an executive agency are available to pay, or reimburse, a Federal or State or local government employee in accordance with--

"(1) subchapter I of chapter 57 of this title, for the expenses of--

"(A) travel, including a per diem allowance, to and from the assignment location;

"(B) a per diem allowance at the assignment location during the period of the assignment; and

"(C) travel, including a per diem allowance, while traveling on official business away from his designated post of duty during the assignment when the head of the executive agency considers the travel in the interest of the United States;

"(2) section 5724 of this title, for the expenses of transportation of his immediate family and of his household goods and personal effects to and from the assignment location;

"(3) section 5724a(a)(1) of this title, for the expenses of per diem allowances for the immediate family of the employee to and from the assignment location;

"(4) section 5724a(a)(3) of this title, for subsistence expenses of the employee and his immediate family while occupying temporary quarters at the assignment location and on return to his former post of duty; and

"(5) section 5726(c) of this title, for the expenses of nontemporary storage of household goods and personal effects in connection with assignment at an isolated location."

In considering the expenses to be reimbursed to an employee participating in the IPA program, the Congress determined that such employees were entitled to the relocation expenses listed in subsections (a)(1) and (3) of section 5724a of title 5, United States Code, and not to the expenses of the sale of the employee's residence provided in subsection (a)(4) of the same section. Thus, no provision was made for reimbursement of expenses incurred in the sale or purchase of a residence or for a miscellaneous expenses allowance as otherwise provided in 5 U.S.C. § 5724a and the applicable regulations, Federal Travel Regulations (FPMR 101-7) (May 1973). See B-170589, September 18, 1974, and B-183042, April 24, 1975.

Since the authorizing legislation for IPA assignments restricts reimbursements to certain travel, transportation and change of station expenses enumerated in 5 U.S.C. § 3375, and the reimbursement of expenses for real estate transactions and the miscellaneous expenses allowance are not so included, the claim of Mr. Harris may not be certified for payment under the provisions of such legislation.

However, we point out that an IPA assignment is not a transfer of official station. B-170589, September 18, 1974. Therefore, Kansas City remained Mr. Harris' permanent duty station until his transfer to Dallas and he normally would have returned there at the completion of the IPA assignment had he not been transferred to Dallas. Since Jefferson City was a temporary duty station, Mr. Harris may be granted such allowances as he would have been granted incident to a transfer from Kansas City to Dallas. Incident to such transfer he could not have been allowed reimbursement of real estate expenses since the residence sold was not located at Kansas City, his old permanent duty station. Federal Travel Regulations (FPMR 101-7), para. 2-6.1 (May 1973); 46 Comp. Gen. 703 (1967). Regarding the miscellaneous expenses allowance, it is evident that Mr. Harris was required to discontinue and establish his residence

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in connection with the permanent change of official station. FPMR 101-7, para. 2-3.2. Accordingly, the \$200 miscellaneous expenses may be allowed.

The voucher which is returned should be processed in accordance with the above.

R.F. KELLER

Deputy | Comptroller General
of the United States