

DOCUMENT RESUME

02002 - [A1322285]

[Claim for Relocation Expenses for Short Distance Transfer].
B-186711. May 4, 1977. 4 pp.

Decision re: Donald C. Cole; by Paul G. Deabling (for Elmer B. Staats, Comptroller General).

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.
Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Bureau of Reclamation.

Authority: F.T.R. (FHR 101-7), para. 2-1.5b(1). B-181901 (1975).

An employee who moved one and one-half blocks after a change of duty station requested reconsideration of his previously denied claim for relocation expenses. The relocation of residence was not necessarily incident to the change of duty station, especially since the employee was constructing his house prior to the change of station notice. (BRS)

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Prince Goddard
Civ. Serv.

DECISION

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

FILE: B-186711

DATE: May 4, 1977

MATTER OF: Donald C. Cole - Relocation Expenses

DIGEST: Employee requests reconsideration of decision denying claim for relocation expenses for short-distance transfer. Agency could properly find change of official station of 42 miles within the State of Utah, albeit across county lines, is change within general local or metropolitan area. In addition, although change of station was in interest of Government, it does not necessarily follow that relocation of residence was incident to change of station. Since employee was constructing his house prior to change of station notice, agency did not improperly find relocation was not incident to change of station. B-186711, October 7, 1976, affirmed.

Mr. Donald C. Cole, an employee of the Bureau of Reclamation, Department of the Interior, has requested reconsideration of decision in Matter of Donald C. Cole, B-186711, October 7, 1976, in which we denied his claim for relocation expenses incurred after his official station was transferred from Provo, Utah, to Salt Lake City, Utah. The facts in this case are set out fully in Cole, and shall therefore be restated only briefly here.

Mr. Cole, who lives in Salem, Utah, moved one and one-half blocks to a new house after his official station was changed from Provo, Utah, 13 miles from Salem, to Salt Lake City, Utah, 55 miles from Salem. The distance from Provo to Salt Lake City is 42 miles.

The pertinent paragraph of the Federal Travel Regulations (FPMR 101-7), para. 2-1.5b(1), provides that in case of a short-distance relocation, the employee's agency should determine if the relocation was incident to the change in official station. Since the Bureau of Reclamation found that Mr. Cole was constructing his new home before he knew of the official station transfer, the Bureau determined that Mr. Cole's relocation was not incident to the change of his official station. On this basis we subsequently held that Mr. Cole is not entitled to relocation expenses.

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Mr. Cole states that there is no authority to make a determination that his relocation was not incident to a change of official station under para. 2-1, 5b(1) of the FTR which reads in pertinent part:

"Transfers. When the change of official station involves a short distance within the same general local or metropolitan area, the travel and transportation expenses and applicable allowances in connection with the employee's relocation of his residence shall be authorized only when the agency determines that the relocation was incident to the change of official station. * * *"

Mr. Cole states, concerning short-distance relocations that:

"My official station was moved 42 miles completely out of the general local or metropolitan area into a new metropolitan area in another county, therefore, a short distance was not involved and that provision does not apply.

* * * * *

"Even though the agency may have broad authority to make determinations in respect to short moves, I would think that authority should be limited to transfers of official station within the boundaries of the same general local or metropolitan area. * * *"

Mr. Cole also argues that the issuance of an SF-50, Notification of Personnel Action, dated July 20, 1973, concerning his reassignment, is proof that travel authorization was issued and that his reassignment resulted from a reduction in force. The SF-50 states:

"Expenses of travel and transportation expenses of immediate family and household goods authorized in accordance with regulations. Use

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of personally owned conveyance authorized if desired. Not for the convenience of the employee."

In addition, Mr. Cole argues that the denial of his claim is inconsistent with decision in Matter of Gary A. Ward, B-181901, March 17, 1975, in which we held we would not object to an administrative determination that the sale of an employee's old residence was incident to his transfer even though the old and new residences were approximately the same distance away from the new official station.

The above-cited regulation, paragraph 2-1.5b(1), is not so restrictive as to limit the definition of "general local or metropolitan area" to the area within the confines of a county. Rather, such language grants broad discretion to the involved agency to determine what the general local or metropolitan area may be. In Ward, we applied the criteria limiting entitlement to relocation expenses in short-distance transfers to an employee whose official station was relocated 123 miles across state lines. Accordingly, we find that the Bureau of Reclamation could properly find that a change of official station of 42 miles within the State of Utah was a short-distance change within the meaning of paragraph 2-1.5b(1), supra.

We also note that the SF-50 itself stated that relocation expenses were authorized "in accordance with regulations." The above-cited regulation requires that in the case of a short-distance transfer the relocation of the employee's home must be found by the agency to be incident to the change of station in order that the employee be reimbursed relocation expenses. The fact that an employee's change of station is in the interest of the Government does not necessarily make the relocation of his residence incident to the change of station. In Mr. Cole's case the record shows quite clearly that his change of residence was initiated before notice of his change of station. This latter aspect of Mr. Cole's relocation is a major point of distinction from the circumstances present in Ward. In Ward the only reason given by the agency for concluding that the move was not related to the transfer was the fact that the old and new residences were approximately the same distance away from the new duty station. There was no suggestion in that case that the employee's commitment to relocate to a specific residence was made prior to notification of the transfer of his official station.

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Since the Bureau of Reclamation has determined on the evidence before it that Mr. Cole's relocation of residence was not caused by his official station transfer, and since this decision appears reasonable in the circumstances present, we must affirm our decision in Cole and deny Mr. Cole's claim for relocation expenses.

Paul S. Lumbly
For the Comptroller General
of the United States