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DECISION

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

FILE: B-200745

DATE: September 1, 1981

MATTER OF: Nelson J. Krohn -
Modification of travel orders

DIGEST: Orders directing employee's permanent change of station to Philadelphia for 2- to 4-month period in contemplation of permanent assignment to Albany, Georgia, are subject to retroactive modification to reflect fact that assignment to Philadelphia was for temporary duty. Assignment for 2 to 4 months is generally a temporary duty assignment, and though Joint Travel Regulations provide guidance in directing permanent change of station for assignments longer than 2 months, record does not indicate that determination to transfer employee to Philadelphia was made on basis of that guidance.

This decision concerns our Claims Division's finding that it would be appropriate to amend travel orders issued to Mr. Nelson J. Krohn to redesignate his purported transfer to Philadelphia, Pennsylvania, as a temporary duty assignment with appropriate change in the allowances authorized. We have been asked by a disbursing officer for the Marine Corps to clarify the basis for that determination inasmuch as others formerly employed by the U.S. Army Tank and Automotive Command, Warren, Michigan, received similar orders. The following explanation and guidance is provided in response to the disbursing officer's concern that these other orders may be subject to retroactive modification.

In December of 1976 Mr. Krohn was given orders directing his permanent change of station from Warren, Michigan, to Philadelphia for a period of 2 to 4 months. The record indicates that those orders were issued with the understanding that there would be a transfer of the Philadelphia function and that Mr. Krohn would shortly accompany that mission to Albany, Georgia. Mr. Krohn reported to Philadelphia in December 1975 and on February 5, 1976, he was issued additional orders directing his permanent change of station to Albany, Georgia. He reported to Albany in April of 1976.

In considering Mr. Krohn's claim for temporary quarters subsistence expenses incident to his assignment to Albany, our Claims Division noted an irregularity on the face of the

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orders directing his transfer to Philadelphia. As indicated by the following language, the orders authorized expenses for transportation of household goods in excess of those payable incident to transfer between Warren and Philadelphia:

"* * * Shipment of HHG directly to MCLSA, Albany, Ga. is authorized based on Mobility Agreement signed by employee 13 November 1975 agreeing to change of duty station to Albany, Ga. after initial duty in Philadelphia of approximately 2 to 4 months. * * *"

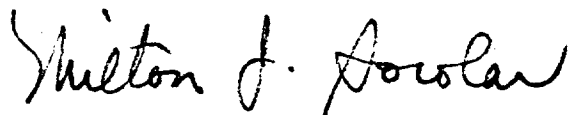
Based on this irregularity on the face of the orders and the fact that they were issued in contemplation of his permanent assignment to Albany, our Claims Division found that Mr. Krohn's assignment to Philadelphia was in fact a temporary duty assignment. Its finding is consistent with decisions such as B-203104, July 2, 1981, 60 Comp., Gen. _____, in which we have held that an assignment of brief duration made in conjunction with a subsequent permanent assignment elsewhere is considered to involve temporary duty for travel purposes rather than a permanent change of station. Our holding to that effect in B-172207, July 21, 1977, involved three Army employees who had been advised of the closing of their activity in Ohio and who were issued permanent change-of-station orders to Chicago under circumstances substantially similar to Mr. Krohn's. The orders directing their assignment to an Army activity in Chicago were issued with the knowledge that the Chicago activity would shortly thereafter be closed and its function and the employees transferred elsewhere. In holding that their orders could be amended to redesignate Chicago as a temporary duty station, we relied on the long-standing rule that an employee's duty station is not a matter of administrative designation but a question of where he is expected to perform the preponderance of his duties.

Our review of the record in Mr. Krohn's case indicates that there may be a basis to retroactively amend the orders of other employees transferred under similar circumstances. As noted above, we do not generally consider an assignment of 2 to 4 months to be a permanent duty assignment. Paragraph C4455 of Volume II of the Joint Travel Regulations does provide that in the case of an assignment of more than 2 months duration consideration should be given to making

B-200745

a change in the employee's permanent duty station. Such a determination, however, is to be made after consideration of the comparative costs of temporary duty and relocation expenses associated with a permanent change of station. There is no evidence that the determination to transfer Mr. Krohn to Philadelphia was made in accordance with this instruction and the fact that his orders did not provide for transportation of his household goods to that intermediate location suggests, at the very least, that the full extent of his relocation expenses entitlement was not considered.

The record suggests that the employee's permanent assignment to Philadelphia was considered necessary by the order-issuing authority because the unit to which he was to be transferred was located in Philadelphia at that time. However, travel and transportation benefits are not necessarily tied to the location of the unit to which an individual is assigned, but are considered payable based upon the place at which the employee is expected to perform the preponderance of his duties for a substantial period of time. B-172207, supra. In this case, the short stay in Philadelphia and the intent to assign Mr. Krohn to Albany on a permanent basis justify the conclusion that Philadelphia was a temporary duty station. To the extent other employees may have been issued short-term permanent change-of-station orders without regard to the instructions contained in the Joint Travel Regulations and on the supposition that a temporary duty assignment to Philadelphia would be inappropriate, their orders would also be subject to retroactive modification.



Acting Comptroller General
of the United States