

**DECISION**

18652 *Reedinger PLM II*  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-201732**DATE:** June 30, 1981**MATTER OF:** Mr. James F. Hansard - Relocation expenses

**DIGEST:** Former employee of Small Business Administration, Washington, D.C., who was selected under merit promotion program for transfer to higher grade position with General Services Administration, Region 3, Philadelphia, Pennsylvania, is entitled to relocation expenses under 5 U.S.C. 5724a. Absent agency policy to contrary, merit promotion transfers are considered to be in Government's interest and relocation expenses are payable even though agency failed to issue travel orders at time of selection.

This action is in response to a request for decision by Mr. Theodore A. Hall, Jr., Authorized Certifying Officer, General Services Administration, Region 3, concerning the propriety of paying Mr. James F. Hansard travel and relocation expenses incurred incident to his employment by that activity in September 1979.

Mr. Hansard, who was an employee of the Small Business Administration in Washington, D.C., applied for the position of Safety Manager, GS-018-12/13 with the General Services Administration, Region 3, Philadelphia, Pennsylvania. That position vacancy was announced nationwide by their Merit Promotion Program announcement No. R3P-79-208, dated July 5, 1979, and contained the notation "Promotion potential to GS-13 if filled at GS-12 level." He was competitively selected and reported for duty September 9, 1979, and now seeks reimbursement for relocation expenses attendant to that move.

The submission states that payment of relocation expenses in connection with the transfer was neither promised to nor discussed with Mr. Hansard. Since no travel orders were issued to support payment of the expenses claimed, it is the agency's view that reimbursement is not authorized.

Mr. Hansard contends that he is entitled to transfer-related expenses because he was selected under the agency

*[Request for Reimbursement of Relocation Expenses]*

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Merit Promotion Program. Based on his view that he, therefore, was selected and transferred in the interest of the Government, he claims that he is entitled to be reimbursed.

Insofar as Mr. Hansard is otherwise entitled to the relocation expenses claimed, his entitlement is not defeated by the agency's failure to issue travel orders. We have held that under the law and applicable regulations, the mere fact that travel orders have not been issued is not determinative of the rights of an employee to be reimbursed for relocation expenses attendant to a transfer from one official duty station to another. See Matter of Stephen P. Szarka, B-188048, November 30, 1977.

An employee's entitlement to relocation expenses under 5 U.S.C. 5724 and 5724a is conditioned upon a determination that the transfer is in the interest of the Government and not primarily for the convenience or benefit of the employee. See paragraph 2-1.3, Federal Travel Regulations (FPMR 101-7) (May 1973). See also 56 Comp. Gen. 709 (1977), and Matter of Paul J. Walski, B-190487, February 23, 1979.

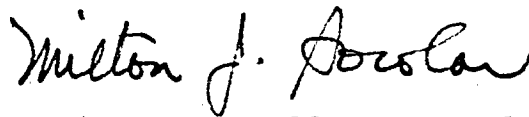
In Matter of Eugene R. Platt, B-198761, September 2, 1980 (59 Comp. Gen. \_\_\_ ) we considered a situation involving an inter-agency transfer under a Merit Promotion Program in circumstances similar to the present case. We held therein that in the absence of agency regulations to the contrary, employees who relocate their permanent duty station pursuant to selection under a Merit Promotion Program are considered to be transferred in the interest of the Government, and thus, entitled to reimbursement for moving expenses.

In the present case, GSA Regulations governing merit promotion (chapter 3, OAD P 3630.1A, August 23, 1974), do not contain any limitation on reimbursement of relocation expenses occasioned by selection under their Merit Promotion Program and we have not been advised that GSA has a policy that would require it to treat merit promotion transfers as having been accomplished for the convenience of the employee. Mr. Hansard's Standard Form 50, "Notification of Personnel Action" shows that prior to his transfer, his employment with the Small Business Administration was as a grade GS-12 and that he was promoted to GS-13 upon transfer to the position of Safety Manager with GSA, Region 3. His

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selection and transfer to a higher grade position was effected under merit promotion procedures and he is to be regarded as having been transferred in the interest of the Government. Compare Matter of Fernando D'Alauro, B-173783.192, December 21, 1976.

Accordingly, settlement may be issued on the voucher in Mr. Hansard's case, if otherwise correct.

A handwritten signature in cursive script that reads "Milton J. Arosler".

Acting Comptroller General  
of the United States