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DECISION



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

FILE: B-202401

DATE: November 24, 1981

MATTER OF: Merle L. Choffel - Advance Shipment of Household Goods

DIGEST: An Air Force employee on an overseas assignment who, having acquired eligibility for the return transportation of his household goods by completing his required period of service overseas, returns some of his household goods to the United States at his own expense, may be reimbursed for the cost of such advance return transportation under 5 U.S.C. § 5729(a).

This action is taken in response to a memorandum dated January 30, 1981, with attachments, from the Chief, Accounting and Finance Branch, Department of the Air Force, requesting an advance decision on the propriety of reimbursing Merle L. Choffel for fees incurred for the advance shipment of some of his household goods. The request was forwarded to our Office with the March 3, 1981 endorsement of the Per Diem, Travel and Transportation Allowance Committee, and has been assigned PDTATAC Control No. 81-8. For the reasons below, Mr. Choffel is entitled to reimbursement.

Mr. Choffel was assigned to duty in Tehran, Iran, in January of 1976. By November 1978, Mr. Choffel states that he felt an evacuation of Americans from Iran was imminent. At that same time he was planning on renewal agreement travel to the United States in December 1978 and January 1979. Anticipating an evacuation while he was in the United States, Mr. Choffel mailed some of his household goods to his non-dependent children in the San Antonio, Texas, area. During January 1979, while Mr. Choffel was on leave, each Department of Defense employee was authorized to mail up to 500 pounds of household goods since an evacuation was expected. On January 19, 1979, Mr. Choffel was reassigned to San Antonio, Texas. He is now seeking reimbursement for the \$336.11 of postal fees incurred for the advance shipment of the household goods mailed to Texas.

The authority to reimburse an employee for the advance return of his household goods and personal effects is set forth at 5 U.S.C. § 5729 (1976). Subsection 5729(a) provides that under such regulations as the President may prescribe, an agency shall pay such expenses, not more than once, before the employee's return, when the employee has acquired eligibility for return transportation.

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The implementing regulations contained in Federal Travel Regulations (FPMR 101-7) para. 2-1.5g(5)(a) (May 1973), and 2 JTR, para. C8003-1 (change 153, July 1, 1978) make it clear that eligibility for advance return transportation of household goods and personal effects accrues when the employee has completed his agreed period of service outside the continental United States.

In 1976, when Mr. Choffel was assigned to Iran, 2 JTR para. C4005-3b (change 121, November 1, 1975) prescribed a 24-month tour of duty for Department of Defense employees assigned to that overseas post. Thus, by November and December of 1978 when he shipped the items in question, Mr. Choffel had completed his agreed period of service in Iran and had acquired eligibility for the advance return of his household goods. See 2 JTR para. C8003-1, above, and 2 JTR para. C7003-4 (change 142, August 1, 1977).

We have previously held that an employee acquires a vested right under 5 U.S.C. § 5729 when he has acquired eligibility for return transportation. See B-198031, May 20, 1981 (60 Comp. Gen. ___). In no event, however, may the cost of the advance shipment plus the cost of transporting the remainder of the household goods exceed the cost of transporting the property in one shipment by the most economical route. B-196853, June 20, 1981 (60 Comp. Gen. ___).

Mr. Choffel is entitled to reimbursement of the postal fees incurred for advance shipment of the items of household goods in question. If he has been reimbursed for shipping household goods from Iran in addition to the items here in question, his entitlement is subject to the aggregate cost limitation discussed above.

for Milton J. Fowler
Comptroller General
of the United States