

DECISION

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

FILE: B-203104

DATE: July 2, 1981

MATTER OF: Travel and Relocation Expenses for New Appointees to the Federal Bureau of Investigation

DIGEST:

1. Director of FBI requests reconsideration of ruling in Cecil M. Halcomb, 58 Comp. Gen. 744 (1979), that new appointees assigned to training in Washington, D.C., may not have Washington designated as first permanent duty station so as to entitle them to travel and relocation expenses from Washington, D.C., when assigned to permanent duty station after training. No basis exists to alter this ruling since assignment for training is not a permanent assignment, and employee must bear expense of reporting to his first permanent duty station.
2. New appointees initially assigned to training in Washington, D.C., are responsible for bearing expense of reporting to their first permanent duty assignments following training. FBI may not lessen that responsibility by assigning them to 1 month of so called "permanent duty" at convenient location following completion of training and prior to intended permanent duty assignment. One month assignment following training should be treated as temporary duty en route to first duty station.

The Director of the Federal Bureau of Investigation (FBI) has asked us to reconsider the ruling in Cecil M. Halcomb, 58 Comp. Gen. 744 (1979). Specifically, he asks whether the Halcomb ruling, that a new appointee assigned to training in Washington, D.C., may not have Washington designated as his first permanent duty station, must be applied to FBI appointees. If this ruling necessarily applies, he asks whether new FBI appointees may be assigned to permanent duty at their place of appointment for as little as 1 month following initial training and, upon transfer to a new permanent duty station, be granted relocation expenses payable to an individual transferred for the benefit of the Government. We find no basis to alter the Halcomb

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ruling inasmuch as it reflects the long-standing proposition that a training site may not be designated as an employee's permanent duty station unless actual and substantial duties are to be performed at that location. Moreover, we would not consider a 1-month assignment to a different location following training as constituting an agent's first permanent duty assignment for purposes of satisfying the requirement that a new appointee bear the expense of reporting to his first duty station. Such an assignment must be regarded as temporary duty en route to the appointee's first duty station.

The Halcomb case involved new appointees to positions not designated as manpower shortage category positions who were not entitled to the travel and transportation benefits authorized by 5 U.S.C. 5723. In Halcomb, we considered whether new appointees of the Fish and Wildlife Service, U.S. Department of the Interior, could have Washington, D.C., designated as their permanent duty station during an initial 4-month period of training. The appointees spent no more than 2 weeks in Washington and the balance of their time at Glynco, Georgia. The time in Washington was for matters such as processing of employment papers and taking the Oath of Office. At Glynco, the appointees engaged in training at the Department of the Treasury Law Enforcement Training Center. At the end of the 4-month period, the appointees were assigned to permanent duty elsewhere, at locations determined prior to or upon the completion of training.

Based on the Department of the Interior's action designating Washington as their permanent duty station, the appointees were paid travel and relocation expenses upon assignment to a permanent duty station following training. At the request of a certifying officer, we reviewed the situation and determined that it was inappropriate to designate Washington, D.C., as a permanent duty station. Our reasoning was stated as follows:

"The location of an employee's permanent duty station presents a question of fact and is not limited by the administrative designation. 57 Comp. Gen. 147 (1977). Such duty station must be where the major part of the employee's duties are performed and where he is expected to spend the greater part of his time. 32 Comp. Gen. 87 (1952); Bertil Peterson, B-191039,

June 16, 1978. There must be some duties beyond taking the oath, physical examination, or job training. 22 Comp. Gen. 869 (1943). Also, see 41 Comp. Gen. 371 (1967). In the instant case the certifying officer says that at the mid-point in training at the FLETC, the trainees are brought to the Washington office for 1 week. That time, together with the time spent when the trainee first reports for swearing in, is normally the total time spent in the Washington office. Thus, the facts indicate that the agency designation of Washington as the first official duty station is erroneous."

Based on our determination that Washington, D.C., was not their first permanent duty station, we held that the new appointees were not entitled to relocation expenses upon permanent assignment following training, but were required to bear the expense of reporting to that first permanent duty station. We did indicate in Halcomb that the new appointees were entitled to be authorized subsistence at the temporary duty site (i.e., the training or processing site) and any travel expenses incurred in traveling to the temporary duty site which were in excess of those which would have been incurred in traveling directly from their home to the first duty station.

In his submission, the Director indicates that in following the above ruling the FBI has encountered serious problems in staffing as well as in recruitment. Prior to the Halcomb decision, the FBI had assigned newly recruited agents to 16 weeks of training in Washington, D.C., and had designated Washington as their first official duty station. Following Halcomb, the FBI changed its procedure and now designates the "home office" (defined by the FBI as the place where the new appointee is recruited) as the first official duty station. After training the new agents return to the "home office" for 6 months of actual duty. Upon subsequent assignment to a new duty station they are paid transfer related expenses. The fact that new agents are counted against the home office's personnel ceiling has created a number of administrative problems. Offices which recruit successfully become heavily staffed with new personnel. In the case of larger offices, this has sometimes created

an imbalance between experienced and inexperienced agents with an insufficiency of experienced personnel necessary to handle more complex investigations. In the case of smaller offices, there may be a lack of space, equipment and insufficient investigative work for new agents. In short, the assignment of new agents to a home office for 6 months following training is less than an optimum allocation of manpower and resources.

The FBI feels that its needs would best be served by a return to the procedure of designating Washington, D.C., as the first permanent duty station of new agents. As a less satisfactory alternative to the current practice, the FBI asks whether a 30-day assignment to the new agent's "home office" following training could constitute the agent's first permanent duty assignment.

We are unable to find that the administrative difficulties the FBI has encountered in complying with the Halcomb decision provide a basis to reverse or modify that holding. The decision primarily relied on in Halcomb, 22 Comp. Gen. 869 (1943), is not an isolated case but one of several which indicate that where an employee performs only training or the administrative matters necessary for entry on the rolls, the place where these duties are performed is a temporary duty station for determining travel entitlements. Joanne E. Johnson, B-193401, May 17, 1979, and B-166030, February 19, 1969. In fact, the Halcomb decision is consistent with 10 Comp. Gen. 184 (1930) in which we held that Bureau of Investigation appointees assigned to permanent duty in the field were not relieved of their obligation to bear the expense of reporting to their designated posts of duty by reason of being first assigned to a period of training in Washington, D.C.

As explained in 22 Comp. Gen. 869 (1943), the newly appointed employee who performs actual and substantial duty at his place of appointment--as distinguished from job training or completing administrative matters for entry on the rolls--may have this place designated as his permanent duty station. However, in the absence of such actual and substantial duty, the place of appointment or place of training is only a temporary duty station even if the new appointee's permanent duty station is not ascertained until after his appointment or training. If such is the case, the training

site may be regarded as the appointee's designated duty station for administrative purposes but not for the purpose of establishing his entitlement to travel and relocation expenses upon subsequent assignment to a permanent duty station. See Hughie L. Rattiff, B-192614, March 7, 1979, and Donald C. Cardelli, B-195976, February 8, 1980.


The assignment of agents to a different location-- the "home office"--for 1 month following training would not establish that location as their first permanent duty station. An employee's official or permanent duty station is a matter of fact and not merely one of administrative designation. It is the place at which he actually is stationed; the place where he expects and is expected to spend the greater part of his time. 32 Comp. Gen. 87 (1952). We have long held that an employee may not be assigned to a duty station at which he is not expected to remain for an extended period of time for the purpose of increasing his entitlement to travel and relocation expenses. See Samuel K. Allen, B-194536, January 9, 1980, and Linderman and Hester, B-191121, August 29, 1978.

Neither our decisions nor the applicable regulations establish a minimum amount of time that an employee must remain at a particular post of duty in order to establish that location as his permanent duty station. However, the intended duration of an employee's assignment is certainly a relevant consideration in determining whether a particular assignment is permanent in nature. An assignment expected to last only 1 month would not be considered a permanent assignment for travel and relocation expense purposes. Further, an employee may not be assigned to a duty station without regard for the needs of the agency but primarily to entitle him to travel and relocation expenses. In the case of a new appointee, the 1-month assignment following training would be considered a temporary duty assignment en route to the employee's first duty station.

Accordingly, newly appointed FBI agents assigned to 16 weeks' training in Washington, D.C., may not have Washington designated as their permanent duty station for purposes of satisfying the requirement that they bear the expense of reporting to their first duty station. The FBI may not lessen that personal obligation by giving the new

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appointees brief assignments to convenient locations before requiring them to report to permanent duty following training.

A handwritten signature in cursive script that reads "Milton J. Fowler". The signature is written in dark ink and is positioned above the typed name.

Acting Comptroller General
of the United States