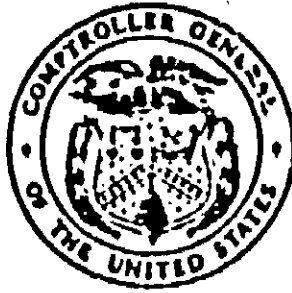


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DECISION

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

FILE: B-203196**DATE:** February 3, 1982**MATTER OF:** Cecil D. Lewis - Reimbursement for
House-hunting Trip

- DIGEST:**
1. Where employee transferred to new duty station requests entitlements based on both house-hunting and temporary duty status, he is entitled to payment on the house-hunting basis for duration of the house-hunting trip, and on the temporary duty basis beginning on the date he returned to a temporary duty status.
 2. Employee authorized to travel by privately owned vehicle for house-hunting trip is allowed mileage, not at the rate specified for temporary duty travel, but at the rate specified for change of station travel under provisions of the Federal Travel Regulations and agency regulations. Local mileage incident to house-hunting trip may also be authorized.

James D. Clark, an authorized certifying officer of the National Park Service, Department of the Interior, requests an advance decision on the propriety of paying the travel reimbursement of Mr. Cecil D. Lewis for travel performed at Lakewood, Colorado, from November 10 through November 16, 1979. Mr. Lewis has claimed reimbursement for both temporary duty travel and an authorized house-hunting trip for the 6-day period.

The certifying officer asks if Mr. Lewis should be paid based on a house-hunting trip, temporary duty, or both. We believe his house-hunting trip orders control his rights, except for the temporary duty beginning on November 13. His per diem and mileage entitlements are discussed separately below.

BACKGROUND

Mr. Lewis had been on temporary duty at the Rocky Mountain Regional Office (RMRO) in Lakewood from February

through November 1979. He would work at the RMRO during the week and return home each weekend. He was issued a blanket travel authorization for travel from his permanent duty station at Dinosaur National Monument, Rangely, Colorado, to states within the Rocky Mountain Region, including Colorado, effective from October 1 to December 31, 1979. After being notified of his permanent reassignment from Rangely to Lakewood, effective December 2, 1979, he requested permission for a house-hunting trip for himself and his wife from November 10-16, 1979. His written request to the Regional Director was approved on November 7, 1979. Thus, the National Park Service authorized the house-hunting trip not to exceed 6 days, although he was already on temporary duty at the new duty station.

Mr. Lewis submitted a voucher for his and his wife's travel for November 10-16, 1979, showing mileage computed at the authorized rate for temporary duty, but also showing computations for per diem for the house-hunting trip using rates authorized in his change of station orders. The voucher was audited and paid on the basis of a house-hunting trip during the period with a notice of disallowance for other claimed expenses.

Mr. Lewis resubmitted his voucher claiming reimbursement for the trip stating he was on duty at RMRO from November 13 through November 16. He computed per diem for a house-hunting trip for November 10 and 11 and computed per diem for temporary duty for November 12-16. He computed the round-trip mileage on the basis of his temporary duty status.

PER DIEM ENTITLEMENT

The statutory authority for payment of house-hunting trip expenses is 5 U.S.C. § 5724a(a)(2)(1976). The implementing regulations contained in Part 2-4 of the Federal Travel Regulations (FTR)(FPMR 101-7, May 1973) provide for house-hunting trips not to exceed 6 days at Government expense. Paragraph 2-4.1 of the FTR provides for payment to employees for the travel and transportation expenses of one round trip between the old and new official station for the employee and spouse.

Mr. Lewis was on temporary duty at the station to which he would be transferred when he requested the house-hunting trip. Under the provisions of FTR paragraph 2-4.1c he would normally not be allowed the special trip, but authorization for travel to seek residence quarters is discretionary with the agency. The National Park Service, in exercise of its discretion, issued travel orders and authorized Mr. Lewis a round trip to seek housing. For the same period as the house-hunting trip, Mr. Lewis had a blanket travel authorization, and he now claims compensation under both authorizations at amounts most beneficial to him.

We believe that Mr. Lewis is entitled to reimbursement under both authorizations. It is clear from the record that Mr. Lewis was on a house-hunting trip from November 10 to November 12. In fact, he successfully signed an agreement to purchase a house on November 14. Such trips are considered as official duty and it would not be necessary for the National Park Service to grant him administrative leave, as suggested by the certifying officer. Nor could he be charged annual leave for that period. B-178383, June 6, 1973. It is also clear that Mr. Lewis was on duty from Tuesday through Friday, November 13-16, since his time and attendance card is presented in evidence. Therefore, for the period Mr. Lewis was on the house-hunting trip, November 10-12, he may be reimbursed under that particular authorization, and his temporary duty status for compensation purposes commences on the date he returned to work, thereby ending his house-hunting trip, on November 13. In addition, his wife may be reimbursed for her house-hunting expenses for the balance of the 6-day period.

It also appears to us that Mr. Lewis' entitlement and subsequent payment of per diem for the period November 20-30 may have been in error. This is in view of the general rule that an employee transferred to a place where he is performing temporary duty may not be paid per diem after he receives notice of such transfer. The rule has not been applied where an employee performs a period or periods of temporary duty at his designated new official station between the time he receives the transfer orders and the stated effective date of those orders if such period or periods of temporary duty are

terminated by a return to the old station on official business prior to the stated effective date of the transfer orders. 51 Comp. Gen. 10 (1971). However, we note that Mr. Lewis' effective date of transfer was Monday, December 2, and he returned to his old duty station the preceding Friday night at 7 p.m. This would seem to have precluded him from performing official business at his old duty station prior to his transfer date. Compare John F. Curley, B-190107, February 8, 1978. Therefore, the National Park Service should reexamine the circumstances which led to payment for the latter period and make corrections, if necessary.

MILEAGE ENTITLEMENT

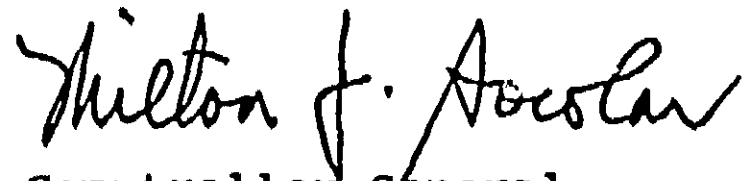
The agency has determined that Mr. Lewis should be reimbursed at 10 cents per mile for his house-hunting trip. Mr. Lewis has claimed 18 1/2 cents per mile based on his temporary duty status. We agree with the agency determination since the primary purpose of his travel, notwithstanding the temporary duty assignment, was the house-hunting trip. The trip was specifically authorized and Mr. Lewis was accompanied by his spouse both to and from his new permanent duty station. Further, the FTR provides for mileage reimbursement on a round-trip basis incident to a house-hunting trip in paragraph 2-4.2, as provided in paragraphs 2-2.3b and c, at a 10- or 15-cent rate in certain circumstances, when authorized. Stephen V. Fowkes, B-187223, February 18, 1977; B-162521, October 19, 1967. The payment of the 15-cent rate is permissive and the agency based the 10-cent rate on its Staff Directive 76-11, August 12, 1977. Accordingly, Mr. Lewis is entitled to reimbursement at the 10-cent mileage rate for the entire trip as determined by the agency.

Mr. Lewis was denied reimbursement of \$11.28 for mileage in Denver during his house-hunting trip. The denial was apparently based on information contained in the Civilian Personnel Law Manual issued by this Office. However, FTR paragraph 2-4.2 was amended by FPMR Temp. Reg. A-11, Supplement 4, April 29, 1977, to allow reasonable expenses for local transportation at the location of the new official duty station. Accordingly, Mr. Lewis may be

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reimbursed for local mileage incident to his house-hunting trip at the 10-cent rate, if otherwise proper.

The vouchers are returned for payment in accordance with the above.

A handwritten signature in cursive script, reading "Milton F. Acosta".

Acting Comptroller General
of the United States