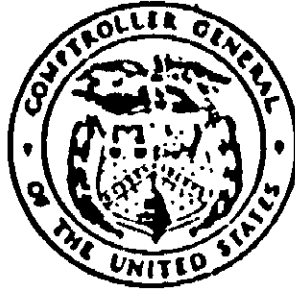


**DECISION**

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

**FILE:** B-203492

**DATE:** December 7, 1982

**MATTER OF:** John W. Corwine - Subsistence expenses at location subsequently made permanent duty station

**DIGEST:**

1. An employee who received definite notice prior to reporting for temporary duty that his temporary duty station is to be his permanent station is considered to have been transferred, for travel and subsistence expense purposes, on the date he arrived at the new station.
2. An employee is not entitled to reimbursement of his spouse's house-hunting expenses where the record shows that spouse's travel to the new station, even though followed by a few days of house-hunting, was travel incident to a permanent change of station.

Mr. Lorin D. Anderson, Chief, Division of Finance, U.S. Department of the Interior, Bureau of Mines, requests a decision on several vouchers submitted by John W. Corwine, an employee of the Bureau of Mines, claiming expenses for temporary duty at his subsequently-designated permanent duty station, the cost of round-trip house-hunting travel performed by his spouse, and expenses incurred in his family's relocation to the new station. Specifically, the agency asks us to determine the effective date of the employee's transfer for travel and subsistence expense purposes, and to decide whether travel performed by the employee's spouse is reimbursable as a house-hunting trip.

We hold that the employee's transfer was effective on the date he arrived at the new station, and that he is not entitled to temporary duty expenses after that date. The employee may not be reimbursed house-hunting expenses for his spouse's travel to the new duty post, since the trip was performed primarily to effect a transfer of station.

On November 30, 1980, Mr. Corwine, employed as Research Director at the Spokane Research Center and headquartered in

Spokane, Washington, was appointed as Research Director at the Twin Cities Research Center, Minnesota. At that time, the Director of Research Center Operations advised Mr. Corwine that his transfer to the Twin Cities would not be effective until February 1981 and that, pending his permanent change of station, Mr. Corwine would perform temporary duty in the Twin Cities, and would be subject to intermittent assignment at his headquarters in Spokane. Incident to his temporary duty assignment, Mr. Corwine was authorized a travel allowance and actual subsistence expenses, not to exceed \$61 per day, for the period December 26, 1980, to January 21, 1981. On December 10, 1980, Mr. Corwine signed an agreement to transfer to the Twin Cities, in order to obtain authorization for certain relocation expenses, including a house-hunting allowance for his spouse.

Mr. Corwine left Spokane on December 26, 1980, traveling by private vehicle to the Twin Cities. On December 29, 1980, he arrived in Minneapolis, moved into rented quarters, and entered on duty at the Twin Cities Research Center. Mr. Corwine subsequently traveled to Spokane on January 21, 1981, allegedly for the purpose of conducting official business, and returned to Minneapolis on January 23, 1981. On February 12, 1981, an SF-50, Notification of Personnel Action, was issued, stating that Mr. Corwine's change in duty station was effective January 25, 1981.

Travel orders issued January 1, 1981, authorized Mrs. Corwine round-trip travel, not to exceed 6 days, in order to seek permanent residence in the Twin Cities. In alleged reliance on these orders, Mr. Corwine's wife and two children traveled from Spokane to Minneapolis on January 5, 1981, residing in the employee's rented quarters until April 9, 1981. On April 9, Mrs. Corwine and the children traveled to Spokane in order to close the sale of their residence. The family returned to Minneapolis by air on April 17, 1981.

Mr. Corwine submitted several vouchers and Government Transportation Requests to the Bureau of Mines, claiming expenses associated with his temporary duty in the Twin Cities for the period December 26, 1980, to January 21, 1981, house-hunting expenses incurred by his wife during the

period January 5 to April 9, 1981, and the cost of relocation travel performed by his family on April 17, 1981. The agency refused to pay Mr. Corwine's voucher for temporary duty expenses, determining that Mr. Corwine's transfer was effective December 29, 1980, the date he reported for duty in the Twin Cities. On this basis, the agency requested that Mr. Corwine resubmit the voucher as a claim for relocation travel and temporary quarters subsistence expenses (TQSE). The agency also requested that Mr. Corwine reclaim his wife's house-hunting expenses as relocation expenses and TQSE, determining that Mrs. Corwine's trip of January 5, 1981, was performed to accomplish a transfer of station. The agency denied Mr. Corwine's claim for relocation expenses incurred by his family on April 17, 1981, based on its determination that the family had previously effected a transfer of station on January 5, 1981.

Mr. Corwine has declined to reclaim expenses in accordance with the agency's instructions, contending that he is entitled to reimbursement on the basis stated in his original claims. In support of his position that he is entitled to temporary duty expenses, Mr. Corwine points out that he was informed at the time of his appointment that he would perform temporary duty in the Twin Cities prior to his transfer and that, pending his permanent change of station, he would be required to assume responsibilities at his headquarters in Spokane for intermittent periods. Also, Mr. Corwine claims that he is entitled to be reimbursed authorized house-hunting expenses for his wife's trip to the Twin Cities on January 5, 1981, her meals during the period January 5 to January 10, 1981, and her return travel to Spokane on April 9, 1981, since Mrs. Corwine did, in fact, seek permanent residence after she arrived in the Twin Cities. Finally, the employee maintains that his family did not effect a transfer of station until April 17, 1981, and, therefore, he is entitled to be reimbursed relocation expenses and TQSE incident to his family's change of station travel on April, 17, 1981.

With respect to Mr. Corwine's claim for temporary duty expenses, it is the general rule that payment of per diem is authorized only to employees on official travel away from their posts of duty (permanent duty stations). 5 U.S.C. § 5702(a) (1976) and paragraph 1-7.6 of the Federal Travel

Regulations, FPMR 101-7 (May 1973) (FTR). See also, Denny C. Eckenrode, B-194082, May 8, 1979. The location of an employee's permanent duty station has consistently been held by this Office to be the place at which the employee performs the major portion of his duties and where he is therefore expected to spend the greater part of his time. 32 Comp. Gen. 87 (1952) and Denny C. Eckenrode, above. An employee's official duty station is a matter of fact and not merely one of administrative designation. In determining the actual post of duty, each case is to be decided on its own facts and circumstances, including such factors as the nature of the assignment, the required duties, and the locale in which they are to be performed. 49 Comp. Gen. 145 (1969); Thomas S. Roseburg, B-188093, October 18, 1977.

Where an employee is transferred to a place at which he is already on temporary duty, the transfer is effective for per diem purposes on the date he receives notice thereof. 24 Comp. Gen. 593 (1945). If, however, the employee is transferred to a place where he is not on temporary duty, the transfer is effective on the date he actually arrives at the new station. 23 Comp. Gen. 342 (1943). In keeping with the latter rule, we have held that an employee who receives definite notice of a permanent change of station prior to reporting for duty at the new station is not entitled to per diem after he arrives at the new duty post. B-146031, July 11, 1961.

The record shows that prior to his departure from Spokane on December 26, 1980, Mr. Corwine was advised by proper authority that he would be permanently stationed in the Twin Cities. On December 10, 1980, he signed an agreement to transfer to the Twin Cities, in order to obtain authorization for relocation expenses. Thus, it appears that for several weeks prior to Mr. Corwine's departure from Spokane, both he and the agency officials issuing the temporary duty order knew that he would be transferred to the Twin Cities. Under these circumstances, the change of station became effective December 29, 1980, the date Mr. Corwine arrived in Minneapolis and began to perform the principal part of his duties at the Twin Cities Research Center. See B-146031, above.

The rule that a transfer is effective on the date an employee arrives at the new duty station does not apply

where the employee subsequently returns to his prior duty station to perform substantial duty before the scheduled transfer date. See John F. Curley, B-190107, February 8, 1978, and cases cited therein. In this case, Mr. Corwine traveled to Spokane on January 21, 1981, allegedly for the purpose of conducting official business, and returned to Minneapolis on January 23, 1981. In view of the brevity of his stay in Spokane, we cannot conclude that Mr. Corwine performed substantial duty at his prior duty station after arriving in Minneapolis and entering on duty at the Twin Cities Research Center. Furthermore, the fact that the agency and Mr. Corwine expected that he would be required to travel to Spokane on a number of different occasions does not have any bearing on the question of the employee's entitlement to temporary duty travel and actual subsistence expenses, since the employee actually performed the major portion of his duties in the Twin Cities. See Thomas S. Roseburg, above.

With respect to Mr. Corwine's claim for expenses associated with his wife's trip to Minneapolis on January 5, 1981, 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 FTR provide in pertinent part:

"a. Payment of travel and transportation expenses of the employee and spouse traveling together, or the employee or spouse traveling individually instead of travel by the other or together, for one round trip between the localities of the old and new duty stations for the purpose of seeking residence quarters, may be authorized when circumstances warrant. A round trip by the employee for this purpose, when authorized, must be accomplished prior to his/her reporting to the new official station. Such a round trip by the spouse, when authorized instead of a round trip by or with the employee, may be accomplished at any time before relocation of the family to the new official station but not beyond the maximum time for beginning allowable travel and transportation. \* \* \*" (Underscoring supplied.)

We have held that reimbursement of the cost of a house-hunting trip made by an employee's spouse is not precluded merely because the travel was performed after the employee had transferred. B-169667, August 26, 1970. Nevertheless, such trip must be performed prior to the family's move to the new station. See B-166119, March 6, 1969. In this case, Mr. Corwine's wife and children traveled from Spokane to Minneapolis on January 5, 1981, rented the family's residence in Spokane to a private party, and shared the employee's apartment at the new duty station until they returned to Spokane on April 9, 1981, in order to close the sale of their residence there. In view of the fact that Mrs. Corwine traveled to Minneapolis with her children and vacated the family's residence in Spokane, we believe that her trip of January 5, 1981, must be regarded as having been performed primarily to effect a transfer of station. Compare B-166119, above. Although Mrs. Corwine may have spent several days seeking a permanent residence in the Twin Cities, the trip was not performed prior to the family's relocation and, therefore, house-hunting expenses may not be paid.

Although the expenses claimed by Mr. Corwine may not be reimbursed as temporary duty travel and house-hunting trip expenses, travel costs in both instances may be reimbursed at the rates specified for charge of station travel under the provisions of the FTR. Under para. 2-5.2e of the FTR, Mr. Corwine may claim TQSE for himself and for his family within 30 days of his arrival at the new station on December 29, 1980, or within 30 days after his family vacated the Spokane residence on January 5, 1981. However, he is strictly limited to one 30-day period. See FTR para. 2-5.2f.

Since Mr. Corwine and his family accomplished their change of station travel on December 29, 1980, and January 5, 1981, respectively, there is no authority by which Mr. Corwine may be reimbursed for subsequent trips by his family from the old to the new duty station. See generally 54 Comp. Gen. 301 (1974). Therefore, we find no basis for payment of Mr. Corwine's claim for reimbursement in connection with his family's travel to Minneapolis in April 1981.

Accordingly, the agency should compute Mr. Corwine's entitlement to travel expenses and TQSE on the basis that

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his travel to the Twin Cities beginning December 26, 1980,  
and his family's trip on January 5, 1981, constituted  
permanent change of station travel.

*Milton J. Fowler*  
for Comptroller General  
of the United States