

DECISION

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

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FILE: B-209727

DATE: July 12, 1983

MATTER OF: Gary E. Pike - Relocation expenses

DIGEST:

1. An employee received an inter-agency permanent duty transfer from California to Washington, D.C. His travel authorization provided for house-hunting trip. Employee made an unaccompanied trip in advance of reporting for duty at new station, but chose not to return to old station before reporting for duty. Under FTR para. 2-4.1, reimbursement for house-hunting travel requires that round-trip be completed before reporting for duty at new station. House-hunting per diem would still be payable for full period authorized even if employee reported for duty instead of returning to old duty station. However, where return travel was not performed before reporting, the travel actually performed is regarded as the employee's permanent change of station travel and will be so reimbursed.

2. An employee received an inter-agency permanent duty transfer from California to Washington, D.C. His travel authorization provided for permanent change of station transfer travel for himself and immediate family using two privately owned vehicles. Employee returned to California after reporting for duty for purpose of assisting family in their move to new station. Under FTR Chapter 2, Part 2, the basic travel and transportation entitlement of an employee on a PCS transfer is that he and each family member is entitled to a single one-way trip to new station. Since employee had already performed travel to his new duty station, and one of the two vehicles in question would accommodate the other four members of his family, constructive mileage reimbursement is limited to the one vehicle at rates prescribed in FTR para. 2-2.3(b).

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3. An employee received an inter-agency permanent duty transfer from California to Washington, D.C. The employee reported for duty at new station March 3, 1980, but his family did not arrive until June 15, 1980. Employee was granted 24 days for temporary quarters subsistence expenses. Entitlement to 24 consecutive days temporary quarters subsistence expenses runs concurrently for all family members, and cannot include days during which permanent change of station travel is being performed. Here, since family traveled from June 6, 1980, when old residence was vacated, until June 15, 1980, and then occupied temporary quarters until July 1, 1980, reimbursement is limited to period of June 15 to July 1, 1980.

This decision is in response to a request from the Assistant Deputy Administrator for Budget and Finance, Veterans Administration (VA), for review of our Claims Group's settlement 2-2828521, dated October 4, 1982, concerning the travel, transportation and relocation expense entitlements of one of their employees incident to a permanent change of station transfer which occurred in March 1980.

BACKGROUND

Mr. Gary E. Pike, who was an employee of the Department of Health, Education, and Welfare, and was residing in Novato, California, was hired by the VA for employment in Washington, D.C. The travel authorization prepared by the VA authorized permanent change of station travel for him and his immediate family via two privately owned vehicles, with travel time not to exceed 9-3/4 days; an advance house-hunting trip; transportation of household goods; and temporary quarters subsistence expenses, not to exceed 24 days.

It appears that Mr. Pike and his family did not perform all aspects of his permanent change of station travel quite in the manner envisioned when the travel authorization was issued. Mr. Pike made his unaccompanied house-hunting trip from California to Washington, D.C., on February 25, 1980. Although he was not scheduled to report for duty at his new

station until March 20, 1980, he decided to remain in the Washington area and reported for duty on March 3, 1980, instead of returning to California before so reporting. He did not return to his old residence in California until on or about May 23, 1980, to assist in the movement of his family to Washington. A further complicating feature is that while it was contemplated that he would use his two privately owned vehicles to transport himself and his family the entire distance from California to Washington, D.C., that was not what happened. Mr. Pike made arrangements for his two vehicles (a motorcycle and a Datsun sedan), to be driven from California to Florida, while he and his family flew to that location. They apparently picked up the vehicles there and drove them to Washington, D.C. They began that journey on June 6, 1980, and arrived in the Washington area on June 15, 1980. It appears that they remained in temporary quarters from then until July 1, 1980.

By settlement dated October 4, 1982, our Claims Group, took the following actions which are still questioned either by the VA or by Mr. Pike:

(1) Concurred in the agency's disallowance of Mr. Pike's return air fare in May 1980, as not constituting the return leg of his house-hunting trip, because the regulations require that such a trip must be completed prior to the employee reporting for duty at his new duty station. Mr. Pike questions the basis upon which that determination was made.

(2) Disagreed with the agency's determination that Mr. Pike was not entitled to the full 6 days for house-hunting per diem. The agency concurred with their finding that he was entitled to the full 6 days per diem. The only dispute remaining on this issue is the contention of Mr. Pike that the incorrect rate of reimbursement was used.

(3) Disagreed with the agency's determination as to method by which the cost to the Government for transporting Mr. Pike and his immediate family was to be established. The Claims Group determined that since the use of two privately owned vehicles was authorized for this purpose and the fact that one vehicle would not accommodate them all, it was felt that mileage for both vehicles should be used in the travel reconstruction. The agency now questions the reasoning behind that determination. Mr. Pike contends that both vehicles should be used in the travel reconstruction.

(4) Took the position that the agency's allowance of temporary quarters subsistence expenses (TQSE), for Mr. Pike from June 7 through June 30 was incorrect. The agency, on reexamination of the payment made, concurred, asserting that they overpaid and would pursue collection upon completion of our review. Mr. Pike does not agree with the agency's actions on his TQSE claim.

Our Claims Group has considered another issue relating to Mr. Pike's relocation. When he returned to California, his time away from his old duty station was initially stated on his time and attendance reports as official business. Upon review it was decided that this designation was inappropriate. Mr. Pike contended that he was entitled to administrative leave because he had not used any administrative leave previously for his transfer. The agency did not agree, and placed Mr. Pike in a leave without pay status for the time involved and sought repayment from him for the salary paid for that period. Mr. Pike requested waiver of the debt under 5 U.S.C. § 5584. In Z-2829381-121, May 26, 1981, our Claims Group granted waiver.

HOUSEHUNTING AND PERMANENT CHANGE OF STATION TRAVEL

Mr. Pike's reasons for asserting entitlement to be reimbursed for the complete round trip air fare for house-hunting and the expenses attendant to both his family's and his travel from California to Washington in June 1980, are as follows:

He claims that he sought and received agency approval for the use of two vehicles for travel due to the fact that his family comprised five members and the principal family vehicle (a Datsun), would have been too small to accommodate all of them for that trip. Further, since he was authorized a complete round-trip house-hunting trip, the fact that he deferred the return leg of that trip until it was necessary for him to assist in the movement of his family should not deprive him of reimbursement for that expense. He also contends that since our Claims Group found his belief that he was entitled to administrative leave to return to California, to be reasonable, then his trip to California to enable him to assist his family in moving was reasonable, and he should be reimbursed for the flight to California and his return travel to Washington.

Chapter 2, Part 2 of the Federal Travel Regulations, FPMR 101-7 (May 1973)(FTR), provided the rules governing basic entitlement to per diem, travel and transportation allowances for employees performing permanent change of station transfers at the time of Mr. Pike's move. The thrust of these provisions is to authorize the employee and the members of his immediate family to travel at Government expense from his old to his new duty station by such means as is authorized by the employing agency, with such allowable costs not to exceed the costs of travel by the usually traveled route from old station to new station by the mode of travel authorized. As the foregoing relates to Mr. Pike's case, his basic travel entitlement under these provisions is that he and each member of his immediate family would be authorized to perform a single, one-way trip to his new permanent duty station at Government expense incident to his transfer to that location. See B-166415, April 15, 1969, and Albert R. Hinn, B-184813, June 24, 1976. Any additional travel authorized by the FTR's to be performed in connection with such move, i.e., house-hunting, is merely an adjunct to, and with rights ancillary to such permanent station travel. See FTR para. 2-4.3b.

With regard to Mr. Pike's house-hunting air fare claim, FTR para. 2-4.1, provides in part:

"* * * A round trip by the employee for this purpose, when authorized, must be accomplished prior to his reporting to the new official station."

Where an employee is authorized to perform a round-trip house-hunting trip, but completes only the outbound portion of that travel prior to reporting for duty at his new station, such travel as performed may not be regarded as being a house-hunting trip. It is to be regarded as having been performed to effect the employee's permanent change of station travel, thereby exhausting his personal permanent change of station travel entitlement. See, B-166415, cited above. Notwithstanding that, we have approved payment of house-hunting per diem in cases where a separate and authorized house-hunting trip was not performed. We have ruled that where an employee's travel to his new duty station was initiated earlier than required for reporting purposes in order to accommodate his house-hunting efforts, he is entitled to per diem during that time. See Peter Cardoza, Jr., B-195787, June 11, 1980.

Therefore, Mr. Pike's February 25, 1980, travel to Washington may be reimbursed as his permanent change of station travel and his May 23, 1980, travel to California may not be reimbursed. House-hunting per diem for the full 6 days preceeding his reporting for duty may be paid.

While it is true, as Mr. Pike contends, that our Claims Group found his belief that he was entitled to use administrative leave for his trip to California in May 1980 to be reasonable, that finding does not also support a finding that he was entitled to make the trip at Government expense. The reasonableness of his belief in his right to use administrative leave was an issue that had to be resolved in order to determine whether the equitable basis for waiver under 5 U.S.C. § 5584 had been met. That finding cannot then be used as a basis to increase Mr. Pike's entitlement to other allowances.

Mr. Pike also contends that he is entitled to reimbursement for actual subsistence expenses up to a maximum of \$50 per day for his house-hunting trip because Washington, D.C., is a Higher Rate Geographical Area. However, in Walter J. Stevens, B-190018, September 27, 1977, we held that reimbursement for subsistence expenses while on a house-hunting trip was limited to the maximum statutory per diem rate, not the actual subsistence rate. Thus, the VA properly used the statutory per diem rate of \$35 to compute Mr. Pike's reimbursement for house-hunting subsistence expenses.

With regard to Mr. Pike's travel claim in connection with the June 1980 travel of his immediate family to his new permanent duty station, the record shows that his family, in addition to himself, was four in number (his wife and three minor children). Under FTR para. 2-2.3, the use of privately owned vehicles in connection with permanent changes of station moves may be authorized when determined to be advantageous to the Government, with the authorized use of a privately owned vehicle or vehicles to be in lieu of other, otherwise approved modes of transportation. While the authorized use of a privately owned vehicle for permanent change of station travel may effectively result in the transportation of the particular vehicle as though it was an otherwise properly transportable item, with the exception of overseas permanent changes of station transfers, the transportation of a privately owned vehicle is not authorized. See FTR Chapter 2, Part 10.

In the present case, one of Mr. Pike's two vehicles was a motorcycle. In view of the fact that a motorcycle normally would accommodate only the operator, we presume that the principal family vehicle would have adequately accommodated the rest of his family. Therefore, since Mr. Pike had already completed his travel to his new duty station in February 1980, such reimbursement rights as he had for the June 1980 travel would be limited to the one vehicle in which his four dependents traveled, on a constructive cost basis, at the rates prescribed in FTR para. 2-2.3(b). See B-172012, July 2, 1971 and Albert R. Hinn, cited above.

TEMPORARY QUARTERS SUBSISTENCE EXPENSE

Under the provisions of Chapter 2, Part 5, of the FTR, an employee may be reimbursed for subsistence expenses incurred incident to a permanent change of station move while the employee and his family necessarily occupy temporary quarters away from their residence at the old permanent station and before occupying permanent quarters at the new permanent station, not to exceed 30 consecutive days. That period may be interrupted for time allowed for travel between old and new station, and for other circumstances attributable to official necessity.

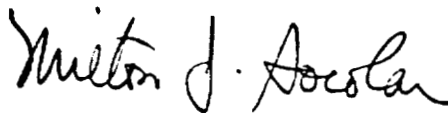
In the present case, Mr. Pike was authorized a maximum of 24 days use of temporary quarters. It is not clear from the record where he lived in the Washington, D.C., area from the time he reported for duty there on March 3, 1980, until he returned to California on or about May 23, 1980, to assist his family in their move to Washington. We note that following their arrival in Washington, D.C., on June 15, 1980, it is asserted that they did not move into permanent quarters until July 1, 1980.

We have consistently held that the 30-day period for TQSE runs concurrently for all family members. Earle B. Amey, 60 Comp. Gen. 281 (1981); B-174695, January 24, 1972. The quarters occupied by Mr. Pike between his reporting to his new duty station on March 3, 1980, and his return trip to California in May 1980 presumably were temporary quarters. Thus, if he were to claim reimbursement for any of that period, the allowable period of 30 consecutive days would begin to run concurrently for all members of the family, and could have been interrupted only by the period of travel between old and new duty stations or by other official necessity.

Mr. Pike's family began its travel from California to Washington, D.C., on June 6, 1980, and arrived in the Washington area in June 15, 1980. That period constitutes the period of official travel for the family and none of those days can be used toward the period of TQSE. J.L. Henderson, Jr., B-193393, April 17, 1979. This rule is not changed by the fact that the family did not drive directly from California to Washington as envisioned by the travel order. Reimbursement is based upon actual expenses up to the constructive cost of the trip as set out in the travel order and limited by this decision. Thus, our Claims Group's finding that Mr. Pike's TQSE reimbursement was limited to the period June 15 to July 1, 1980, was correct.

In summary, Mr. Pike is entitled to be reimbursed as follows:

- 1) Mr. Pike's one way travel in February 1980 as constituting his travel for permanent change of station transfer purposes.
- 2) The full 6 days house-hunting per diem.
- 3) Mileage for one vehicle by the usually traveled route for his four dependents on a reconstructed basis since they engaged in mixed modes and circuitous travel to their destination and per diem for the reconstructed travel for the family members traveling without Mr. Pike.
- 4) Temporary quarters subsistence expense from June 15, until July 1, 1980, for Mr. Pike and his four dependents.

for 
Comptroller General
of the United States