



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Manuel A. Saleta, Jr. and Robert L. Lockley -
Relocation Tax Allowance - Effective Date
File: B-223666
Date: December 24, 1986

DIGEST

Employees of the Veterans Administration seek payment of a relocation income tax allowance for their transfers which were effective prior to November 14, 1983. The claims are denied because the relocation income tax allowance as authorized by section 118 of Public Law 98-151 is available only to employees whose effective date of transfer is on or after November 14, 1983.

DECISION

This decision is in response to a request submitted by the Director of the Veterans Administration (VA) Office of Budget and Finance. It concerns claims filed by two VA employees for a Relocation Income Tax (RIT) allowance as provided for by section 118 of Public Law 98-151, November 14, 1983. Because both employees were transferred prior to the effective date of coverage as provided under that law, we hold that they are not entitled to a RIT allowance.

BACKGROUND

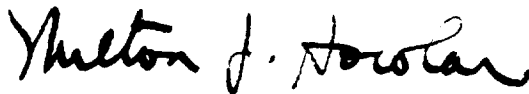
Manuel A. Saleta, Jr. was transferred from New York to Puerto Rico and reported for duty in Puerto Rico on January 16, 1981. On June 19, 1985, Mr. Saleta submitted a claim for a RIT allowance of \$6,115.50. Robert L. Lockley was transferred from Washington, D.C., to Puerto Rico and reported for duty on November 1, 1983. Mr. Lockley submitted his claim for RIT allowance totaling \$3,656.91 on June 28, 1985. Mr. Saleta and Mr. Lockley base their claim for a RIT allowance on the contention that the November 14, 1983, effective date for implementation of the RIT allowance as established by the General Services Administration (GSA) in issuing the implementing regulations is arbitrary and capricious and contrary to legislative intent. They say the law is intended to apply to employees who incur tax liability after the date of enactment.

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The issue in both these claims, therefore, is the same, namely: what is the effective date for employee coverage under the RIT allowance as provided for by the relocation act amendments contained in section 118 of Public Law 98-151, November 14, 1983, codified at 5 U.S.C. § 5724b (Supp. III 1985).

We have recently held that the effective date of the relocation act amendments, including section 118 of Public Law 98-151, is November 14, 1983, despite a post-enactment statement to the contrary made by the sponsors of this legislation. James R. Kopidlansky, et al., B-219228, B-220318, December 18, 1985; citing Jack G. Petrie, B-216542, June 11, 1985; George D. Sack, B-217095, November 29, 1985. See also George Boeringa, 64 Comp. Gen. 847 (1985). In each of these decisions the implementing regulations promulgated by GSA were considered,^{1/} and it was determined that the decision by GSA to select November 14, 1983, as the implementation date was not arbitrary or contrary to the statutory purpose of these amendments. Kopidlansky, B-219228, B-220318, supra, at 3. Therefore, in accordance with the applicable regulations, the RIT allowance clearly applies only to employees reporting to their new duty stations on or after November 14, 1983.

Accordingly, we hold that the claims of Mr. Saleta and Mr. Lockley for the RIT allowance may not be paid because they reported to their new duty stations prior to the effective date specified in the Federal Travel Regulations.



Acting Comptroller General
of the United States

^{1/} Federal Travel Regulations Supp. 10 (March 13, 1984), Supp. 11 (August 27, 1984), and Supp. 14 (April 19, 1985), incorp. by ref., 41 C.F.R. § 101-7.003 (1985).