



Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

**Matter of:** Carroll Kenneth Moon  
**File:** B-248013  
**Date:** September 8, 1992

## DIGEST

Employee who traveled from Anchorage, Alaska, to Del Ray Beach, Florida, shortly after retirement from federal service, returned to Alaska and still resides there over 2 years after his separation, is not entitled to reimbursement of the costs of the trip to Florida. The trip was personal in nature and not incidental to his separation.

## DECISION

This decision is in response to an appeal by Mr. Carroll Kenneth Moon, a retired employee of the Federal Aviation Administration (FAA), U.S. Department of Transportation (DOT), of the settlement by our Claims Group dated November 18, 1991, which denied his claim for reimbursement of travel expenses incurred after his retirement from federal service in Anchorage, Alaska.

Mr. Moon retired from his position with FAA in Anchorage on May 3, 1990. By travel order dated April 3, 1990, he was authorized to travel to Del Ray Beach, Florida. He elected to fly by privately owned aircraft in lieu of travel by privately owned vehicle. Mr. Moon departed from Anchorage on May 6, 1990, made several stops en route, and arrived in Del Ray Beach on May 21, 1990. He submitted a travel voucher for reimbursement of his travel expenses.

Mr. Moon states that he traveled to his home of record, Del Ray Beach, after his retirement. He says that he planned to build a house on two lots that he owns in Cape Coral, Florida, as his retirement residence, and to move his household goods to Cape Coral within the 2-year period allowed by FAA regulations.

Mr. Moon contends that his travel after retirement is a contractual obligation contingent upon his serving the required tour of duty overseas and that the agency should not question if or when a retiree establishes a permanent residence at his official home of record. He states that he served in Japan for over 4 years, followed by over a year

and a half tour of duty in Alaska. Mr. Moon points out that a retired employee is allowed a choice of travel to an alternate destination. He feels that he has completed all of the requirements of his travel orders and the regulations involved.

Section 5722(a)(2) of title 5, United States Code, 1988, authorizes payment of travel and transportation expenses on the return of an employee from a post of duty outside the continental United States "to the place of his actual residence at the time of assignment to duty outside the United States." The implementing Federal Travel Regulation (FTR), 41 C.F.R. § 302-1.6 (1992), provides that all travel shall be accomplished as soon as possible and that the maximum time for beginning allowable travel and transportation shall not exceed 2 years from the employee's transfer or appointment.

With respect to separation travel, this Office has long held that the employee's travel must be clearly incident to the termination of his assignment and that the travel should commence within a reasonable time after the assignment has been terminated.<sup>1</sup>

Although Mr. Moon's travel to Florida was timely, we have been advised by FAA officials that Mr. Moon still resides in Alaska, more than 2 years after his separation. Further, agency officials state that no Government Bill of Lading has been issued nor has Mr. Moon filed a claim for the costs of transporting his household effects back to the continental United States or other alternate location. Therefore, it appears that Mr. Moon intends to remain in Alaska and that the trip he made to Del Ray Beach in 1990 was personal in nature and not incidental to his separation. We have held that where an employee for voluntary personal reasons elects not to return to the United States after the termination of his assignment, his return is not in fact incidental to the termination and none of the expenses authorized by the statute are payable.<sup>2</sup>

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<sup>1</sup>See 52 Comp. Gen. 407, 409 (1973); 28 Comp. Gen. 285, 289 (1948).

<sup>2</sup>See 52 Comp. Gen. 407 and 28 Comp. Gen. 285, supra.

Accordingly, Mr. Moon may not be reimbursed for the travel expenses he incurred in traveling from Anchorage, Alaska, to Del Ray Beach, Florida.

*for Seymour Epps*  
James F. Hinchman  
General Counsel