



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

31203

B-178778

July 23, 1973

Mr. John P. McLaughlin
Work Training Center for the Handicapped, Inc.
2233 Fair Avenue
Chico, California 95926

Dear Mr. McLaughlin:

We refer to your letter of May 22, 1973, concerning your claims for reimbursement of certain expenses incident to your employment by the Forest Service, Department of Agriculture, at the Job Corps Conservation Center, Alder Springs, California.

We will treat your letter of May 22 as a request for review of the settlement issued July 29, 1971, by the Claims Division of this Office by which the four separate claims you submitted were disallowed. A copy of the Settlement Certificate in question is enclosed for your ready reference.

Your claim for reimbursement of \$465.40 incident to the nontemporary storage of your household goods for the period November 14, 1966, through July 14, 1970, was disallowed because there was no authority for the Government to pay for the storage of household goods in the circumstances of your case. Temporary storage of household goods may be allowed at Government expense if such storage is incident to authorized transportation of the household goods to an employee's official station. However, such transportation and temporary storage may be authorized only in cases of transfer of an employee from one duty station to another or in connection with a new employee's move to his first official station provided he is appointed to a shortage category position as determined by the Civil Service Commission. See 5 U.S.C. 5723, 5724. It is clear from the administrative report of the facts in your case that you were not transferred to Alder Springs from another location at which you were employed by the Government and that you were not appointed to a shortage category position. Therefore, even temporary storage of your household goods incident to your move to the Alder Springs location may not be allowed at Government expense.

Nontemporary storage of household effects of employees stationed in the continental United States may be allowed under 5 U.S.C. 5726(c) if

091370

720207

B-178778

the station to which the employee is assigned is in an isolated location to which he cannot take or at which he is unable to use his household goods. There is no indication in the file that an administrative determination designating the Alder Springs Center an isolated location was ever made under the provisions of the controlling statute. Accordingly, there is no authority to reimburse you the costs you incurred for storage of your household goods under the authority of 5 U.S.C. 5726(c).

With respect to your claim for \$12.50 in connection with the purchase of a residence in Elk Creek, California, in August 1968, subsequent to your erroneous separation, the reimbursement of real estate expenses is authorized only in connection with the transfer of an employee. See 5 U.S.C. 5724a(a)(4). Since you were not transferred between duty stations in the interest of the Government, there is no authority to reimburse you the real estate expense in question.

Your claim for reimbursement of long distance telephone calls made in connection with your erroneous separation in the amount of \$419.98 was also disallowed in the settlement of July 29, 1971. Although an employee who has been erroneously separated by his agency may be entitled to backpay for the period of his erroneous separation under 5 U.S.C. 5596, there is no authority for the Government to reimburse such an employee the costs which he may incur in seeking reinstatement through correction of the erroneous action.

Your claim in the amount of \$504.05 for your travel and that of your family and for transportation of your household goods from Alder Springs after your erroneous separation in May 1958, as well as for a miscellaneous expense allowance in connection with that move, must also be viewed as being related to your separation. The expenses you incurred in moving from the Alder Springs worksite whether incident to your erroneous separation or incident to separation following a reduction-in-force action would be considered personal expenses for which reimbursement is not authorized by law. There is no authority to allow you reimbursement in connection with that move under 5 U.S.C. 5724 and 5724a because a transfer of station was not involved. In that connection we note that the authority contained in 5 U.S.C. 5724a(c) to pay travel and transportation expenses of employees who are reemployed within one year following their separation as the result of a reduction in force or transfer of function would not be applicable in your case since it does not appear that you

B-178778

were reemployed in the Federal service after your separation from the position you held in the Forest Service.

For the reasons stated the settlement of the Claims Division of July 29, 1971, disallowing payment of your four vouchers, as discussed above, is sustained.

A copy of this decision is being furnished Congressman Harold T. (Miss) Johnson pursuant to his request for our report in the matter.

Sincerely yours,

E. H. Morse, Jr.

For the Comptroller General
of the United States