

DOCUMENT RESUME

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[Prior Return of Household Goods]. E-188345. April 13, 1977. 3 pp.

Decision re: Bernard R. Mazzoni; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Canal Zone Government.

Authority: 5 U.S.C. 5729(b); P.T.R. (PPHR 101-7), para. 2-1.5g(5) (f). 5 U.S.C. 5722. 5 U.S.C. 5724(d).

The Governor of the Canal Zone Government (CZG) requested an opinion on the entitlement of a CZG employee to reimbursement for advance shipment of certain items from the Panama Canal to his stateside residence, incident to renewal agreement travel. The employee may return his household effects to the United States at his own expense, and may be reimbursed for such costs to the extent permitted, regardless of whether he also arranges for prior return of his immediate family.
(Author/SC)

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Leslie Wilcox
Civ. Pers.



DECISION

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

FILE: B-188345

DATE: April 13, 1977

**MATTER OF: Bernard R. Mazzoni - Prior Return of
Household Goods**

DIGEST: Employee of Canal Zone Government who is not eligible for return transportation of household goods incident to renewal agreement travel may return his household effects to United States at his own expense and be reimbursed such costs under 5 U. S. C. § 5729(b) and FTR, para. 2-1.5g(5)(f) upon subsequently attaining transportation expense entitlement upon separation. Under that authority, employee may arrange for prior return of any or all of his household goods subject to reimbursement regardless of whether he also arranges for prior return of his immediate family.

By letter of February 4, 1977, the Governor of the Canal Zone Government requests an opinion regarding the entitlement of Mr. Bernard R. Mazzoni to reimbursement for advance shipment of certain household effects from the Panama Canal to his stateside residence.

Mr. Mazzoni has completed more than 3 years of service with the Canal Zone Government under a service agreement and plans to take leave incident to renewal agreement travel at his stateside residence in June 1977. Although he is eligible to retire, he intends to return to his teaching position in the Canal Zone in August 1977 and, therefore, does not meet the conditions for return transportation of household goods and personal effects set forth at 5 U. S. C. § 5722 or 5 U. S. C. § 5724(d) and implemented by the Federal Travel Regulations (FTR). We are asked whether 5 U. S. C. § 5729 may be regarded as permitting the shipment of household goods and personal effects to the employee's stateside residence address without the return of a member of the employee's immediate family.

Subsection 5729(a) authorizes payment of the expenses of transporting an employee's immediate family and shipping his household goods when he acquires eligibility for that transportation or when the public interest requires the return of the immediate family for compelling reasons of a humanitarian or compassionate nature. In addition, 5 U. S. C. § 5729(b) provides:

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"(b) Under such regulations as the President may prescribe, an agency shall reimburse from its appropriations an employee whose post of duty is outside the continental United States for the proper transportation expenses of returning his immediate family and his household goods and personal effects to the United States or its territories or possessions, when--

"(1) their return was made at the expense of the employee before his return and for other than reasons of public interest; and

"(2) he acquires eligibility for those transportation expenses."

Implementing the above, subparagraph 2-1.5g(5)(f) of the Federal Travel Regulations (FPMR 101-7) (May 1973) provides:

"(f) Prior return at employee's expense - reimbursement. There may be circumstances in which an employee elects to return his immediate family and his household goods or any part thereof at his own expense to any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, or a United States territory or possession when he is not eligible for such transportation under 2-1.5g(5). In such an instance after the employee becomes eligible for transportation at Government expense, he may be reimbursed for the proper expenses which he had previously paid. He will be reimbursed in accordance with the applicable provisions of 2-1.5g(5) only for expenses which are supported by receipts or other appropriate documentation furnished to the Government in accordance with regulations prescribed by the head of the agency concerned."

Under this authority an employee may return his immediate family and his household goods or any part thereof at his own expense in advance of entitlement and receive reimbursement upon subsequently becoming eligible for payment of transportation expenses upon separation. Although the above-quoted language is included in subsection 2-1.5g(5) of the FTR which is entitled "Prior return of immediate family," the phrase "any part thereof" modifies the

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terms "immediate family" and "household goods" separately and jointly. Thus, an employee may arrange for the advance return at his own expense of any part of his immediate family and/or any part of his household goods and be reimbursed therefor when he subsequently acquires return transportation entitlement.

The above-discussed authority is to be distinguished from the provision of 5 U. S. C. § 5729(a)(2) as implemented by FTR para. 2-1.5g(5)(b), for return of the employee's immediate family and household goods in advance of his eligibility when it has been determined to be in the public interest. Reimbursement for transportation of household goods under this authority is not contingent upon the employee subsequently acquiring transportation eligibility, but because the public interest requires the prior return of the immediate family for "compelling personal reasons of a humanitarian or compassionate nature." In such a case entitlement to reimbursement for prior return of household goods and personal effects depends upon the prior return of the immediate family.

As indicated above, Mr. Mazzone may arrange for the transportation of any or all of his household goods and personal effects to the continental United States and be reimbursed such cost to the extent permitted upon subsequently acquiring eligibility for payment of transportation expenses.

R. H. K. 11/11/44
Deputy Comptroller General
of the United States