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B. Putnam
Asst. Dir.

DECISION



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

FILE: B-190018

DATE: September 27, 1977

MATTER OF: Walter J. Stevens - Househunting Trip

DIGEST: Civilian employee of Department of Commerce, who transferred from Boulder, Colorado, to Washington, D.C., a designated high rate geographical area, and who authorized and performed a househunting trip for a period of 6 days, is entitled to reimbursement at maximum statutory per diem rate of \$35. Employee is not entitled to daily rate of \$50 designated for temporary duty travel in Washington, D.C., a high rate geographical area, since reimbursement under high rate concept is not applicable to travel in connection with a permanent change of station which includes a househunting trip.

This action arises in response to a request dated August 25, 1977, from Ms. Emma Axline, authorized certifying officer, National Bureau of Standards (NBS), United States Department of Commerce, for our advance decision as to the rate of per diem that may be authorized Mr. Walter J. Stevens, an employee of the agency, incident to a househunting trip in Gaithersburg, Maryland, by Mr. Stevens and his wife from August 19 through 24, 1977, as authorized by travel order number W-31. The travel order authorized the maximum per diem rate.

The record discloses that Mr. Stevens was transferred from Boulder, Colorado, to Washington, D.C. He was paid per diem expenses by NBS at the daily rate of \$35, the maximum statutory per diem payable. The claimant feels that he should have been paid per diem of \$50, the prescribed maximum daily rate for all locations within the corporate limits of Washington, D.C., a designated high rate geographical area, which includes Montgomery County in which the city of Gaithersburg is located. Paragraph 1-8.6, Federal Travel Regulations (FTR) (FPMR 101-7) May 1, 1973, as amended by Temporary Regulation A-11, Supplement 3, Attachment A. The basic issue therefore is whether expenses incurred by Mr. Stevens during his househunting trip in the Washington, D.C. metropolitan area are reimbursable at the \$35 maximum statutory per diem rate or at the \$50 per diem rate prescribed for the corporate limits of Washington, D.C., as a high rate geographical area.

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We addressed this issue in our decision 55 Comp. Gen. 1337 (1976) which involved a similar factual situation. There, based upon our interpretation of paragraph 1-8.1b of the FTR and that of the General Services Administration (the agency empowered by Executive Order 11609, July 22, 1971, to prescribe regulations necessary to administer the laws governing travel and relocation allowances), we concluded that since the employee was involved in a permanent change of station rather than in a temporary duty travel status, the cited paragraph precluded reimbursement under the high rate geographical area concept.

Accordingly, and since the househunting trip by Mr. Stevens was incident to a permanent change of station, the portion of his voucher pertaining to expenses incurred during the househunting trip was properly paid at the \$35 maximum statutory per diem rate.


Acting Comptroller General
of the United States