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DECISION



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

FILE: B-204938

DATE: April 7, 1982

MATTER OF: Melvin J. Augenstein

DIGEST: Employee who traveled to his new duty station on a house hunting trip prior to the date scheduled for his transfer and on the day before his scheduled transfer date received temporary duty orders for duty at his old station may not be paid per diem and mileage at the old duty station unless it is determined that he did, in fact, report for duty at the new duty station before returning to the old duty station.

This action is in response to a request for a decision concerning Mr. Melvin J. Augenstein's claim for per diem and transportation expenses while attending a conference at the Tobyhanna Army Depot, Pennsylvania. The employee's entitlement is questioned because he was being transferred from Tobyhanna to Cameron Station, Arlington, Virginia, and had not moved his residence before the conference was held. For the reasons stated we find that the claim may not be paid unless the Department determines that the employee reported for duty by rendition of services at the new duty station before returning to the old duty station. The questions were raised by the Finance and Accounting Officer of the Defense Logistics Agency and were forwarded by the Per Diem, Travel and Transportation Allowance Committee under Control Number 81-26.

On August 13, 1980, Mr. Augenstein, a civilian employed at the Tobyhanna Army Depot, was issued permanent change of station orders reassigning him to Cameron Station. The orders authorized relocation expenses including a house hunting trip and specified a reporting date of August 26, 1980. The record indicates that on Thursday, August 21, 1980, the employee and his wife traveled from Waverly, Pennsylvania, the location of his residence in the Tobyhanna area to Alexandria for the purpose of locating a residence in the area of his new duty station. While there, Mr. Augenstein was issued a travel order directing him to temporary duty at the Tobyhanna Army Depot for the purpose of attending a conference. The travel orders were issued August 25, 1980, and the record

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indicates that Mr. Augenstein and his wife returned to their residence in Waverly on that date. While attending the conference, Mr. Augenstein stayed at his Waverly residence which he had not yet sold. He claimed per diem while staying in Waverly but did not include lodgings costs for purposes of computing his per diem entitlement. However, he has claimed round trip mileage for travel between his residence and the Tobyhanna Army Depot for the period involved in lieu of lodgings costs.

The Finance and Accounting Officer asks whether the per diem claim may be paid in view of the fact that neither Mr. Augenstein nor his wife had vacated their Waverly residence or established a new residence in Alexandria before this period of temporary duty. Under these circumstances and in view of the fact that his travel orders did not specifically authorize a mileage allowance for travel between the location of the conference and his residence, the Finance and Accounting Officer also questions the validity of Mr. Augenstein's mileage claim.

We have not required an employee to maintain a residence at his permanent duty station in order to qualify for per diem while on temporary duty away from that station. Matter of Economy, B-188515, August 18, 1977. Also, we have held that when an employee assigned to temporary duty realizes an overall savings in travel expenses by obtaining lower cost lodgings outside the immediate vicinity of the temporary duty station, the additional transportation costs incurred (or mileage for use of a privately owned vehicle) may be reimbursed in an amount not to exceed the expense had he obtained lodgings at the temporary duty station. Matter of Groder, B-192540, April 6, 1979.

However, the Certifying Officer's concern in this case may stem from the fact that it does not appear that Mr. Augenstein had changed his duty station prior to his return to the Tobyhanna area.

Under 5 U.S.C. 5702 and paragraph C4550-3 of Volume II of the Joint Travel Regulations (2 JTR), per diem may not be allowed at an employee's permanent duty station. As

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defined at 2 JTR, Appendix D, the effective date of a change of duty station is the date on which an employee reports for duty at his new permanent duty station. These provisions when construed together constitute a requirement that an employee must actually report for duty at his new duty station before it is regarded as his permanent duty station so as to entitle him to per diem while on duty at the former duty station. Matter of Sherman, B-203371, February 9, 1982.

In this particular case, Mr. Augenstein's entitlement depends, in the first instance, upon whether he effected a permanent change of station. In this regard, we have long held that a transfer is not consummated by the fact that an employee travels to his new duty station. He must in fact report for duty at the new station. 32 Comp. Gen. 280 (1952) and B-128219, June 29, 1956.

The submission states that Mr. Augenstein reported for duty at Cameron Station on August 25, 1980. The record, however, does not necessarily substantiate that conclusion. While he and his wife traveled to Alexandria on August 21, their time in Alexandria from August 21 to August 24, appears to have been spent looking for a residence. The travel voucher he submitted for his wife's house hunting travel indicates that they checked out of their hotel in Springfield, Virginia, at 8 a.m. on Monday, August 25, 1980. The voucher he has submitted for his own travel to Tobyhanna indicates that they departed from Cameron Station shortly after noon on that day and returned to their residence in Waverly, Pennsylvania, that evening. Under these circumstances, it appears that Mr. Augenstein did visit Cameron Station, but the record suggests that he did so en route to duty in Tobyhanna and primarily for the purpose of picking up the travel orders which had been initiated 3 days earlier. A visit to the Cameron Station for that purpose is not a reporting for duty. There must be a rendition of actual services at the new duty station. It is noted also that his change of station orders provided a reporting date of August 26.

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If upon review of the facts it is determined that Mr. Augenstein did not in fact report for duty by actual rendition of services at Cameron Station prior to his return to his old duty station he should be considered as having changed his permanent duty station only after he returned from the conference in Tobyhanna, and the claims for per diem and mileage should be disallowed. If Mr. Augenstein rendered actual services at Cameron Station on August 25, 1980, his claims for per diem and mileage while attending the conference at Tobyhanna Depot should be allowed, if otherwise correct, provided the services were not solely for the purpose of creating a right to otherwise unauthorized per diem at Tobyhanna. Cf. 54 Comp. Gen. 679, where we authorized per diem without a change of duty station because, by the Government's action, the employee's subsistence situation had significantly changed.

for 
Comptroller General
of the United States