

**DECISION**

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

**FILE:** B-217916

**DATE:** August 26, 1985

**MATTER OF:** Rodney T. Metzger

**DIGEST:**

An employee appeals from the denial of his claim for relocation expenses incident to a short-distance transfer on the basis that his agency improperly used routings by way of congested interstate highways in concluding that the transfer did not increase his commuting distance by at least 10 miles. Agencies have considerable latitude in determining whether relocation of an employee's residence is or would be incident to a short-distance transfer. Though agency could have considered routings employee claims to have taken, its determination of routings used to determine the increase in commuting distance was proper.

Mr. Rodney T. Metzger has appealed an agency determination denying him relocation expenses. He claims that his agency incorrectly determined that his transfer increased the commuting distance from his residence by less than 10 miles.<sup>1/</sup> We find no basis to question the agency's determination.

**BACKGROUND**

Mr. Metzger, an employee of the Department of the Army assigned to permanent duty at the Harry Diamond Laboratories, Adelphi, Maryland, applied and was selected for a position with the Army Corps of Engineers. In August 1983 he reported to his new duty station located in the Pulaski Building at 20 Massachusetts Avenue, N.W., Washington, D.C. Both his old and new duty stations are located in the Metropolitan Washington area.

Mr. Metzger's residence is located near Keedysville, Maryland, approximately 70 miles from downtown Washington

<sup>1/</sup> Mr. Rodney T. Metzger has appealed the action of Claims Group, GGD, in Settlement Certificate No. Z-2854644, issued February 25, 1985, which denied his claim for relocation expenses.

(distance varies depending on the routes taken). Subsequent to his transfer, Mr. Metzger requested a determination of his eligibility for relocation expenses. In October 1983 his request for relocation expenses was denied based on a determination by the Corps of Engineers that his proposed move from Keedysville to Gaithersburg, Maryland, would not be incident to his transfer but for his own convenience. That determination was based on an administrative finding that the commuting distance from his Keedysville residence to his new duty station was only 2 miles greater than the commuting distance from that residence to his old duty station.

By Settlement Certificate No. Z-2854644, February 25, 1985, our Claims Group affirmed the agency's denial of relocation expenses. In appealing from that determination, Mr. Metzger states that the Corps of Engineers incorrectly found that by the most direct and normal route for him to travel the distance from his residence to his new duty station is only 2 miles greater than the distance from his residence to his old duty station. Mr. Metzger contends that the Corps of Engineers used routings from his residence to his old and new duty stations by way of congested interstate highways. He claims that he, in fact, took less congested and shorter routes. He states that by his route the distance from his residence to his old duty station is 57 miles and the distance from his residence to his new duty station is 70 miles. Thus, he contends that his change of duty station increased his commuting distance by 13 miles.

#### HOLDING

The payment of travel, transportation, and relocation expenses of transferred Government employees is authorized under 5 U.S.C. §§ 5724 and 5724a (1980), as implemented by the Federal Travel Regulations, incorp. by ref., 41 C.F.R. 101-7.003 (1983). For employees of the Department of Defense these provisions are further implemented by Volume 2 of the Joint Travel Regulations (2 JTR). Paragraph C4108 of 2 JTR (Change 208, February 1, 1983) provides as follows:

"Travel, transportation, and other related allowances, as applicable, will be authorized incident to a permanent change of station even though the old and new permanent duty stations are located within the same city or area provided that the transfer:

- "1. is in the interest of the Government,
- "2. is to a new permanent duty station which is at least 10 miles distant from the old permanent duty station,
- "3. is not primarily for the convenience or benefit of the employee or at his request,
- "4. relocation of the residence is incident to the transfer.

"In determining that the relocation of the residence is incident to the transfer, the travel-approving official should take into consideration such factors as commuting time and distance between the employee's residence at the time of notification of transfer and his old and new duty stations as well as the commuting time and distance between a proposed new residence and the new duty station. Ordinarily, a relocation of residence should not be considered as incident to a permanent change of station unless the one-way commuting distance from the old residence to the new duty station is at least 10 miles greater than from the old residence to the old duty station. Even then, circumstances surrounding a particular case, for example, relative commuting time, may suggest that the relocation of residence was not incident to the transfer." (Emphasis added.)

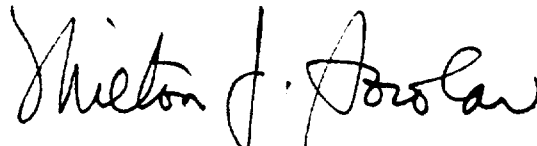
Our Office consistently has held that an agency has broad discretion in applying the general criteria set forth in the above regulation to determine whether an employee's move from one residence to another is incident to a change of official duty station. David E. Meisner, B-187162, February 9, 1977. Unless the agency makes such a determination, there is no basis to pay an employee's claim for relocation expenses arising from a short-distance transfer. 51 Comp. Gen. 187 (1971). Generally, we will not overturn an agency's determination in the absence of a showing that it was clearly erroneous, arbitrary, or capricious. Jack R. Valentine, B-207175, December 2, 1982.

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In the present case there is a dispute as to the routings by which the distance between the employee's residence and his old and new duty stations should be measured. The agency determined that Mr. Metzger's commute was increased by only 2 miles based on routings using interstate highways for the greater part of the distance to both his old and new duty stations. Mr. Metzger indicates that he took shorter and more direct routes to both duty stations and that the mileage differential was 13 rather than 2 miles.

By its very terms, 2 JTR para. C4108 gives the agency considerable latitude in determining whether the relocation of an employee's residence is incident to his permanent change of station. In providing that the agency's determination should take into account such factors as commuting time and distance, the regulation contemplates that the agency will consider the transferred employee's commuting situation. We have recognized that there may be a trade-off between commuting distance and commuting time and that congestion on the freeways used to measure savings in distance actually may increase commuting time. David E. Meisner, B-187162, February 9, 1977. For this reason we would not object to an agency taking into account the routes actually used by the employee for the purpose of determining increased commuting distance, provided those routes are reasonable and not unnecessarily circuitous. Because it is in the best position to assess the commuting situation at each of its installations, the particular routing used to determine commuting distance is a matter primarily for determination by the agency involved.

In Mr. Metzger's case, the agency's selection of a routing using major interstate highways was not unreasonable. Since the Corps of Engineers determined that there was less than a 10-mile increase in commuting distance, it properly denied Mr. Metzger's claim for relocation expenses. Our Claims Group's determination affirming that denial is, therefore, sustained.



Acting Comptroller General  
of the United States