



The Comptroller General
of the United States

Washington, D.C. 20548

Riedinger
PUM-1

Decision

Matter of: Steven L. Karty - Relocation Expenses -
Temporary v. Permanent Duty Station
File: B-225351
Date: June 2, 1987

DIGEST

An employee's permanent duty station was to be relocated to larger quarters at a new site approximately two miles distant from the old duty station. Due to the need for extensive renovation of the new quarters, the employee and others were quartered at an interim location, which was closer to the employee's residence, for a period of 9 months. Upon the subsequent move to the newly renovated quarters, the employee claims entitlement to relocation expense reimbursement, contending that the interim move was a permanent change of station and that when the move was made to final destination, it increased his commuting distance more than 10 miles. The claim is denied. Whether an assignment to a particular location is temporary or permanent is a question of fact. In this case the record shows that the interim location was clearly a temporary duty station and that the employee's subsequent move to the renovated office space does not entitle him to relocation expenses.

DECISION

This decision is in response to a request from the Chief, Accounting and Finance Division, Defense Communications Agency (DCA). It concerns the entitlement of one of its employees to be reimbursed permanent change of station relocation expenses. We conclude that the employee is not so entitled, for the following reasons.

BACKGROUND

Mr. Steven L. Karty was employed by the DCA in October 1983, located in its Systems Engineering Support Division (Code G630), at DCA Headquarters, 8th Street and So. Courthouse Road, Arlington, Virginia. At that time, Mr. Karty resided at 1605 North Brunswick Street, Sterling Park, Virginia.

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In early 1984, due to a need for office space suitable for special access program work for the Code G630 division, the agency decided to move Mr. Karty's division out of DCA headquarters. Space was located at Arlington Hall Station, Arlington Boulevard at South Jackson Street, Arlington, Virginia, approximately 2 miles from DCA Headquarters. ^{1/} However, due to the deteriorating condition of the building at Arlington Hall Station, considerable renovation work was required. On June 4, 1984, pending construction funding approval and actual renovation, elements of the Code G630 division, including Mr. Karty's office, were moved to offices at the Mitre Corporation complex on Dolley Madison Boulevard, McLean, Virginia, a location even closer to Mr. Karty's Sterling Park residence. This move lasted until February 27, 1985, at which time the Code G630 division personnel were relocated to the renovated quarters at Arlington Hall Station. At the time of this latter move, Mr. Karty still resided at 1605 North Brunswick Street, Sterling Park, Virginia.

Mr. Karty asserts eligibility to relocate his residence based on the contention that the move made to the Mitre Corporation complex was a permanent change of station and that when he was transferred to Arlington Hall Station in February 1985, this constituted another permanent change of station which resulted in an increase to his commuting distance to that new station of more than 10 miles.

The agency states that there was an immediate need to relocate the division in which Mr. Karty was employed and that since the larger permanent quarters at Arlington Hall Station had to be renovated, the move to the Mitre complex was only an interim move. In this regard, DCA notes that none of the Code G630 division employees involved in the move, including Mr. Karty, had their duty station designation changed to reflect the move to the Mitre complex. All employees retained Arlington, Virginia, as their designated permanent duty station.

RULING

The provisions of law governing entitlement of Federal employees to be reimbursed for expenses of travel, transportation and subsistence are contained in chapter 57 of Title 5, United States Code, and implementing

^{1/} Mr. Karty's residence to duty location commuting distance and travel time would be reduced by this move.

regulations. Under the provisions of chapter 2 of the Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR), an employee may not be reimbursed relocation expenses incident to a temporary duty assignment away from his permanent duty station or place of abode from which he commutes daily to his duty station. Entitlement to be reimbursed such expenses arises only when the employee is transferred on a change of official station for permanent duty. Under FTR para. 2-1.5b(1), which governs short distance transfers, the relocation of a residence is not considered as incident to a change of station for expense reimbursement purposes unless the one-way commuting distance from the old residence to the new official duty station has been increased at least 10 miles more than the distance was from the old residence to the old official duty station.

We have held that the question as to whether an assignment to a particular location is to be considered a temporary duty assignment or a permanent duty assignment is a question of fact to be determined from the orders directing the assignment, the duration of the assignment, and the nature of the duties to be performed under those orders. See Peter J. Dispenzirie, 62 Comp. Gen. 560 (1983); and Peck and Snow, B-198887, September 21, 1981. Further, the agency designation of an employee's permanent duty station as being at a particular location is not necessarily determinative. Frederick C. Welch, 62 Comp. Gen. 80 (1982).

Neither the law nor the FTR contain a definition of "permanent duty station" or "temporary duty station." However such terms are defined in Appendix D of Volume 2, Joint Travel Regulations. The term "permanent duty station" is defined, in part, as being the building or other place where an employee regularly reports for duty. The term "temporary duty station," is defined as being the place of duty to which an employee is assigned for a temporary period of time in connection with government business from which he will proceed or return to his permanent duty station.

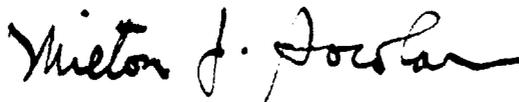
In the present situation, because of the need for larger and specialized office space, the agency searched for adequate permanent accommodations. If the newly found Arlington Hall Station accommodations had not required extensive renovation, then Mr. Karty's division would have immediately moved there. In such case, since the new permanent duty station was only approximately 2 miles away from the old permanent duty station, the entitlement claimed by Mr. Karty could not have arisen. FTR paragraph 2-1.5b(1), above.

Clearly, the decision was made to move the G630 division from DCA Headquarters to new permanent quarters. Since the Arlington Hall offices could not be occupied due to needed renovation work, the division would have to be located elsewhere as an interim measure. The agency chose offices at the Mitre complex where other elements of DCA were already located. On the basis of the reported circumstances of the present case, it is our view that such duty station was temporary and that the permanent change of station move which occurred was from DCA Headquarters to Arlington Hall Station. Accordingly, Mr. Karty is not eligible to relocate his residence incident to that move and be reimbursed those expenses by the government.

We note that if the move to Mitre was to be considered a temporary duty move, DCA suggested that Mr. Karty might be entitled to roundtrip mileage from his place of residence to that location during the period in question. Paragraph C4458 of Volume 2, Joint Travel Regulations (JTR), change 215, September 1983, provides:

"* * * Temporary duty travel by privately owned conveyance may be authorized or approved from home or domicile to a place of temporary assignment and return without requiring the employee to report first to his headquarters or regular place of duty. In authorizing such travel, the travel-directing official will consider the interests of the Government with regard to mission requirements, relative expense, and practicability." Underscoring supplied.

Mr. Karty's normal commuting trip from his residence in Sterling Park to both his old or his new permanent station in Arlington required him to pass near the interim duty point in McLean. In view of the fact that he benefited significantly by the reduced commuting time and distance during the period June 3, 1984, to February 27, 1985, we do not believe it would be appropriate to reimburse Mr. Karty for that travel.

for 
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