

Billard



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Gregory A. Mertz

File: B-239341

Date: October 5, 1990

DECISION

The National Park Service (NPS)^{1/} asks whether a claim for relocation expenses incurred by its employee, Mr. Gregory A. Mertz, which had been disallowed by our Claims Group^{2/}, may allowed on the basis of our decision in Gregory Stiles, B-230365, July 25, 1988. On the record before us, full relocation expenses may not be allowed. However, he may be reimbursed the actual cost of moving his household goods out of government quarters.

We held in Stiles that the NPS may reimburse an employee for relocation expenses incident to a relocation from government required quarters in Shenandoah National Park, to a privately-owned residence in the local community even though his transfer of duty stations occurred within park boundaries and the net increase in commuting distance was less than 10 miles. See Federal Travel Regulations, para. 2-1.5b(1) (Supp. 4, Aug. 23, 1982).^{3/} That holding was based on an agency determination that the transfer was incident to a permanent change of station from a district office to park headquarters, which the agency considers to be different official stations. Such a determination is required to receive reimbursement of relocation expenses under 5 U.S.C. §§ 5724 and 5724a (1988).

Even though Mr. Mertz, incident to a promotion, also relocated from government-required quarters within a park (the Fredericksburg and Spotsylvania National Military Park), his case differs from Mr. Stiles's in one material respect. Instead of an agency determination that the relocation was incident to a permanent change of station, the NPS in Mr. Mertz's case determined that the relocation was not

^{1/} The question was raised by the Regional Accounting Officer, Mid-Atlantic Region, National Park Service, U.S. Department of the Interior, Philadelphia, Pennsylvania.

^{2/} Settlement Certificate Z-2864743, March 18, 1987.

^{3/} Incorp. by ref., 41 C.F.R. § 101-7.003 (1988)

incident to a permanent change of station since he was promoted to another position at the same installation. Therefore, Mr. Mertz is not entitled to reimbursement of relocation expenses authorized by 5 U.S.C. §§ 5724 and 5724a and FTR Chapter 2. See 51 Comp. Gen. 187 (1971); Jack R. Valentine, B-207175, Dec. 2, 1981. See also FTR, para. 2-1.

We note, however, that Mr. Mertz was living in the government quarters as a requirement of his job prior to his promotion, upon which he was directed to vacate those quarters so that his replacement could occupy them. He did so, moving to private quarters in the Fredericksburg area. We have held that an employee may be reimbursed the cost of moving his household goods into or out of government quarters locally, not as an authorized change of duty station but as an administrative cost of operating the installation, in circumstances where occupancy of the quarters was an agency requirement. See 68 Comp. Gen. 324, 325 (1989); B-172276, July 13, 1971; and B-138678, Apr. 22, 1959. On that basis, since Mr. Mertz's move out of the quarters was required by t agency incident to his promotion and reassignment to a different position in the park, he may be reimbursed the actual expense of moving his household goods, not to exceed 18,000 pounds net weight,^{4/} out of his government quarters t his new residence.


James F. Hinchman
General Counsel

^{4/} Weight limitation consistent with the limitation provide in 5 U.S.C. § 5724(a)(2). See B-172276, Jul. 13, 1971.