



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: William Astor
File: B-239225
Date: October 12, 1990

DECISION

A certifying officer for the Bureau of Indian Affairs (BIA), Department of the Interior, requests a decision on whether Mr. William Astor, a BIA employee, may be paid per diem while performing duty at Phoenix, Arizona, during his summer vacation from Northern Arizona University, Flagstaff, Arizona, where he is a full-time student under a BIA training program.

Mr. Astor's old duty station prior to entering the training program was San Carlos, Arizona. While there, he was selected for the Forestry Intern Program, a training program in which the employee is paid while he is enrolled as a full-time student at a 4-year college or university pursuing a course of study which prepares him to assume the duties of a professional forester upon graduation. The vacancy announcement for the program identified Phoenix as the duty station for the forestry intern position. The area forester states that this was done because the school the intern will attend is not known ahead of time. When Mr. Astor's school was selected the designation was changed to Flagstaff.^{1/}

The record indicates that Mr. Astor, his family, and his household goods were transported from San Carlos to his current residence in Flagstaff at government expense, and he does not appear to receive a per diem allowance while in Flagstaff.

Each summer that the University is not in session, Mr. Astor travels from Flagstaff to Phoenix to perform duties as a BIA

^{1/} The record contains a Notice of Personnel Action effective August 28, 1988, indicating that Mr. Astor's duty station was changed from Phoenix to Flagstaff.

049735 / 142448

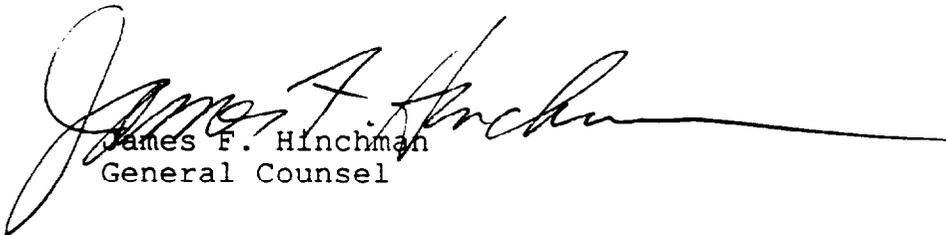
employee related to his forestry intern position. The area forester believes Mr. Astor is eligible for per diem while in Phoenix, and Mr. Astor has filed vouchers for per diem on that basis.

The certifying officer's question arises because of the general rule that an employee cannot be paid per diem while performing duty at his permanent duty station. He believes that since the vacancy announcement and the other documents originally identified Phoenix as Mr. Astor's duty station, and since he performs no duties in Flagstaff, the area forester erred in designating Flagstaff as his duty station.

Although it is not specifically stated in the record, it appears that Mr. Astor's assignment to the training program at government expense was made under the authority of the Training Act, 5 U.S.C. §§ 4101-4119 (1988).

As the certifying officer indicates, generally an employee is not entitled to per diem at his permanent station.^{2/} And, ordinarily the permanent station is the place where the employee performs the majority of his duties. However, we have held that when an employee, incident to moving his family residence to a training site under the authority in 5 U.S.C. § 4109, forfeits his right to per diem at that site he is entitled to transportation costs and per diem when required to travel on official business away from the training site. We stated that the training site to which the employee has moved may be considered the employee's permanent duty station, thus entitling him to per diem even when official duties are performed at a location which would otherwise be his official station. 48 Comp. Gen. 313 (1968). Therefore, for this purpose the designation of Flagstaff as Mr. Astor's official station is not improper, and he is entitled to per diem while performing duties in Phoenix.

Mr. Astor's vouchers should be settled accordingly.


James F. Hinchman
General Counsel

^{2/} See Federal Travel Regulations, 41 C.F.R. § 301-7.4(a) (1989).