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Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Michael L. Wineman and Kimberly L. Butterworth
File: B-249457
Date: March 31, 1993

DIGEST

Husband and wife, who are federal employees working for different agencies, were transferred to the same duty station by their respective agencies on June 13 and August 12, 1991, respectively. Since they were transferred at distinctly different times, approximately 2 months apart, each employee is entitled to their own separate relocation allowances. 41 C.F.R. § 302-1.8 (1991), then in effect, limiting reimbursement to only one member of the immediate family when two or more family members are transferred to the same duty station, does not bar reimbursement since the transfers occurred at distinctly different times. Here, each agency may authorize and reimburse relocation benefits to its employee, provided duplicate reimbursement is not made. See Roberta J. Shoaf, 57 Comp. Gen. 389 (1978).

DECISION

The question presented in this decision is the payment of the respective relocation expense benefits available to a husband and wife who are federal employees working for different agencies and are transferred to the same new duty station.¹ As explained below, each agency may pay a share of the expenses.

Upon completion of his training as a new agent of the Federal Bureau of Investigation (FBI), Department of Justice, Mr. Michael L. Wineman was transferred from Baltimore, Maryland, to Yuma, Arizona, and reported for duty on June 13, 1991. As a new appointee, he was authorized limited relocation benefits for his travel expenses and for transportation and storage of his household goods. His wife, Ms. Kimberly L. Butterworth, an employee of the Department of the Army, was later transferred by the Army to

¹The request for a decision was submitted by Mr. Ronald Wetherington, Authorized Certifying Officer, FBI.

fill a position also in Yuma. She reported for duty on August 12, 1991, without a break in service.

During the selection process, Ms. Butterworth was not advised by Army officials that she was entitled to reimbursement of relocation expenses, as it was assumed that Mr. Wineman was entitled to reimbursement of full relocation benefits. As a result no travel orders were issued to her.

We understand that the Army considers that Ms. Butterworth's transfer was in the interest of the government and that the Army is willing to authorize and reimburse Ms. Butterworth for real estate sale and purchase expenses and temporary quarters subsistence expenses (TQSE) for herself and their son. However, the Army believes it cannot do so under the provisions of the Federal Travel Regulation (FTR), 41 C.F.R. § 302-1.8 (1991), as in effect at the time of the transfers, which stated that, when family members are transferred between old and new duty stations located close together, only one member of the immediate family may be paid relocation allowances, the other transferred employee being eligible only for allowances as a family member.²

In response to the concern expressed by the Army, we have held that section 302-1.8 does not bar reimbursement of relocation benefits to transferred employees, who are husband and wife, unless their transfers occur at the same time. In Roberta J. Shoaf, 57 Comp. Gen. 389 (1978), involving the predecessor regulation to the one involved here, the employee and her husband were both employed by the same agency. Their transfers were approximately 2 weeks apart. We allowed reimbursement of temporary quarters subsistence expenses to both employees because the regulation did not preclude the separate authorization of TQSE where members of the same immediate family are transferred at distinctly different times. We pointed out that the purpose of the restriction was to preclude duplicate payments for the same purposes for expenses incident to what is essentially a single relocation.³

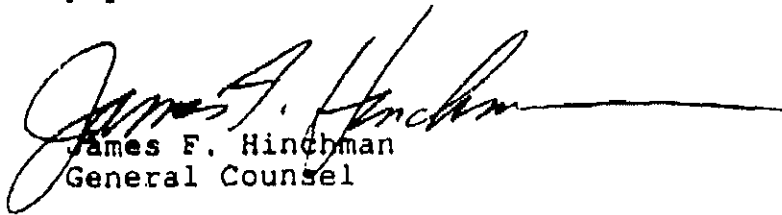
Here, since Mr. Wineman and his wife, Ms. Butterworth, were transferred by different agencies, at distinctly different times, approximately 2 months apart, each is entitled to

²Effective September 17, 1991, section 302-1.8 of the FTR was amended to allow employee members of the same immediate family, transferred in the interest of the government, to receive separate, non-duplicative, relocation benefits. Amendment 20, 56 Fed. Reg. 46,988, Sept. 17, 1991.

³See also Enrique A. Archibold and Elsa O. Archibold, B-232173, May 4, 1990.

their own separate relocation allowances, provided that duplicate reimbursement is not made.

Accordingly, the FBI need not disturb Mr. Wineman's travel orders and reimbursement. If the Army determines that Ms. Butterworth was transferred in the interest of the government, the Army may issue travel orders and authorize and reimburse her for real estate sale and purchase expenses and temporary quarters subsistence expenses for herself and their son, to the extent there is no duplication of payments.⁴


James F. Hinchman
General Counsel

⁴See 54 Comp. Gen. 892 (1975).