



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-229277

August 30, 1988

Dear Mr. [REDACTED] :

This letter responds to your request of October 26, 1987, for relocation expenses. You were separated from the United States Department of Energy on September 12, 1986, because of a reduction-in-force. You were reinstated with the United States Army Troop Support Command Headquarters in Saint Louis, Missouri, effective September 14, 1987, according to a memorandum of the civilian personnel officer dated October 16, 1987. The memorandum states that you agreed that you would enter on duty effective September 13, 1987, but since that was a Sunday, the date was changed to September 14, 1987.

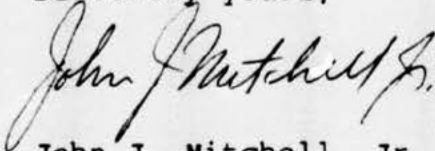
You were determined to be ineligible for relocation expenses because your position was not in a manpower shortage category. Your concern, however, is that you were also declared ineligible because you were not reinstated within 1 year after your reduction-in-force separation from the Department of Energy. You point out that you missed being reinstated within 1 year of your reduction in force by a very narrow margin. You believe that you would have been reinstated within 1 year had the responsible staff members of the personnel office not overlooked your entitlement to relocation expenses by satisfying the 1-year limitation. Characterizing the oversight a mistake, you ask that the 1-year limitation be waived in your case.

An employee separated involuntarily due to a reduction-in-force who within 1 year is reemployed by the government at another geographical location is entitled to reimbursement for relocation expenses under 5 U.S.C. § 5724a(c). It provides that an employee so separated and reemployed may receive prescribed benefits ". . . as though he had

been transferred in the interest of the government without a break in service" We have held that under 5 U.S.C. § 5724a(c) there is an absolute requirement that the employee be reemployed within 1 year of his or her separation in order to warrant reimbursement. Further, an employing agency's mistake resulting in a failure to reemploy within 1 year is no basis for waiving the statutory requirement. See [redacted], B-186245, Sept. 22, 1976, copy enclosed.

Consequently, we are unaware of any law or regulation permitting waiver in your case or legal authority entitling you to relocation expenses. We regret that we cannot offer a more favorable response to your inquiry.

Sincerely yours,

A handwritten signature in cursive script, reading "John J. Mitchell, Jr.", written in dark ink.

John J. Mitchell, Jr.
Group Manager

Enclosure