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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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Miss Mary M. Rydquist
Authorized Certifying Officer
Bureau of Land Management
United States Department of the Interior
Denver Service Center, Building 50
Denver, Colorado 80225

Dear Miss Rydquist:

Your letter of April 9, 1968, with enclosures, reference B733b-2, requests our decision whether, in the circumstances hereinafter set forth, you may certify for payment the enclosed voucher in the amount of \$34.70 in favor of Richard K. DeCamp covering the cost of transportation of 145 pounds of personal effects (trunk) by air freight on October 25, 1967, from Salem, Oregon, to Anchorage, Alaska.

The record shows that on May 22, 1967, Mr. DeCamp was offered a temporary appointment at Anchorage. Concurrently with that offer, he was offered a permanent appointment--presumably to the same position--if he should subsequently become eligible for conversion to the career-conditional service.

At the time of those offers, Mr. DeCamp was serving under a temporary appointment in your Oregon office apparently as a member of a field survey party. You say he resigned from his appointment under the Oregon office, proceeded at his own expense to Seattle, Washington, and from that point proceeded at Government expense to Anchorage where he entered on duty May 29, 1967, as a temporary employee, GA-617 grade 5, \$8,854 per annum (presumably in a permanent position) as evidenced by Notice of Short Term Employment effective May 29, 1967, not to exceed November 1, 1967. Subsequently, on July 20, 1967, he became eligible for permanent appointment by conversion to the career-conditional service which was effected on October 8, 1967, as shown on the copy of personnel action dated September 26, 1967. Thereafter on October 25, 1967, Mr. DeCamp's 145-pound trunk was shipped by air from Salem, Oregon, to Anchorage at a cost of \$34.70 paid by Mr. DeCamp. The offer in the letter dated May 22, 1967, to Mr. DeCamp indicated he was authorized 64 pounds of luggage incident to the airline ticket furnished him for purposes of travel from Seattle incident to that temporary appointment.

D-164051

It appears that Mr. DeCamp was told at the time of the temporary Anchorage appointment that upon his attaining career status shipment of his "household goods" would be allowed, and that it was intended by the Anchorage office to extend to Mr. DeCamp "all rights, privileges and responsibilities that would have occurred if we had been able to offer him the permanent position in May 1967."

You ask whether Mr. DeCamp is entitled to the "moving allowances enumerated in Bureau of the Budget Circular No. A-96" based on his temporary appointment of May 29, 1967. If our answer to that question is in the negative, you ask also whether he would have become entitled to such allowances when he accepted the permanent appointment, assuming he signs the prescribed agreement. Further you ask, "Would the employee be entitled to the miscellaneous moving ~~expenses~~ allowance" under section 3 of Circular No. A-96, Revised, for expenses incurred prior to the permanent appointment? In those respects you mention certain parts of the provisions in sections 1.1a(3), 1.2a, 1.2b and 1.3a of Circular No. A-96 Revised.

Sections 1.2b^X and 1.3a^X in pertinent parts are as follows:

"1.2 Definitions. As used in these regulations, and unless otherwise specifically provided in these regulations, the following definitions apply:

* * * * *

"b. 'Employee' means a civilian officer or employee of a department as defined herein. The term also includes new appointees to permanent positions outside the continental United States, and to certain positions within the continental United States described in section 5.

"1.3 Conditions and limitations regarding payment of allowances.

"a. Eligibility conditions. When authorized or approved by such official or officials as the head of the department may designate, travel and transportation expenses and applicable allowances as provided in these regulations shall be paid in the

B-164051

case of (1) transfer of an employee in the interest of the Government from one official station to another for permanent duty, but in no case in which the transfer is primarily for the convenience or benefit of the employee or at his request; (2) new appointees from their places of actual residence at the time of appointment to permanent duty at official stations outside the continental United States; (3) new appointees, as provided in section 5 of these regulations, from their places of actual residence at the time of appointment to permanent duty at official stations within the 50 States and the District of Columbia * * *."

Our decisions have held under section 1 of the act of August 2, 1946, as amended, now 5 U.S.C. 5724, that the words "transferred from one official station to another for permanent duty" has reference to a change in the permanent duty station of an employee without a break in service and not to the tenure of his appointment. 27 Comp. Gen. 757, 42 id. 219.

In line with those decisions, the fact that Mr. DeCamp was serving under a temporary appointment (in a permanent position) which was later converted to an unlimited appointment in accordance with prior intention is not material. However, as previously indicated the employee appears to have had a break in service after resigning from his position in Oregon and being reappointed for duty in Alaska. Thus, he may not be regarded as having undergone a transfer of official station within the meaning of the above act and the regulations issued pursuant thereto.

Of course the above conclusion does not preclude the employee from being entitled to the benefits of section 7 of the Administrative Expenses Act of 1946, as amended, now 5 U.S.C. 5722, concerning travel and transportation expenses of new appointees to posts of duty outside the continental United States. The term continental United States is defined in the statute as not including Alaska and Hawaii. 5 U.S.C. 5701. In that connection see 26 Comp. Gen. 488 at pages 494, 495. Accordingly, we see no reason why the employee may not be reimbursed for the transportation of his effects from the place of his actual residence at the time of appointment for duty in Alaska. We are unable to determine from the record whether his place of actual residence is Salem, Oregon, or Seattle, Washington. Perhaps the cost would have been the same even if the effects had been shipped from Seattle.

B-164051

As to payment of a miscellaneous expense allowance, see section 3.2b of Circular No. A-56 which specifically excludes new appointees from entitlement to such allowance.

We believe the foregoing adequately answers the questions presented and the voucher together with supporting papers is returned herewith for handling in accordance therewith.

Sincerely yours,

FRANK H. WEITZEL

Assistant Comptroller General
of the United States