



B-171495

March 4, 1971

Mrs. Mary M. Rydquist  
Authorized Certifying Officer  
Bureau of Land Management  
United States Department of the Interior  
Denver Federal Center  
Denver, Colorado 80225

MAR 4 - [Stamp]

Dear Mrs. Rydquist:

This will refer to your letter of December 8, 1970, your reference 1376 (D-832), requesting an advance decision as to whether a travel voucher dated March 26, 1970, submitted by [redacted] for travel and transportation expenses may be approved for payment. The voucher, in an amount of \$1 686.14, is for expenses incurred incident to travel by [redacted] and his family and transportation of household effects from Whitesboro, New York, to Fairbanks, Alaska, between March 12, 1968, and March 25, 1968, for the purpose, as stated on the voucher, of accepting employment with the Bureau of Land Management. The last paragraph of your letter refers to the voucher as covering "transfer expenses." However, all information contained in the file indicates that no transfer was involved but, rather, that [redacted] was given a new appointment as an employee of the Bureau of Land Management at Fairbanks effective March 27, 1968.

The file contains a letter dated March 5, 1968, to from the Chief, Division of Administration of the Fairbanks District and Land Office, explaining the conditions upon which the appointment was made, the following being pertinent excerpts:

"The problem will lie in the fact that you will be coming up to accept a temporary excepted (seasonal) appointment with the expectation that sometime during the summer you will receive a career-conditional appointment as a Maintenanceman II with an hourly rate of pay of \$4.72 per hour. This would be a WAE appointment. \* \* \*

"The travel of seasonal employees from the Port of Seattle to Fairbanks is authorized at government expense. No other expenditure of government funds is authorized in this connection. For local hires, those hired in Alaska, no expenditure of government funds is authorized. Now, during the summer if you terminate your seasonal appointment to

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*see 2/25/71*

*Friedman 2/25/71*

*M. Rydquist*  
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accept a career-conditional appointment you are considered at that time to be a localhire. \* \* \*

"It would be my opinion, and this is purely personal speculation, that if we could commit the career-conditional appointment to you at this time that you would receive the benefits of a regularly hired employee from the lower forty-eight. But this commitment we cannot make, at least not (sic) point in time. \* \* \*

"To return to the main point the only thing that we can offer you at this time is air transportation from Seattle to Fairbanks or an amount not to exceed the cost to the government of that transportation should you decide to drive your car."

Although the letter refers to authorization of transportation expenses (presumably for unaccompanied by dependents) from Seattle to Fairbanks, we find no formal travel authorization for this and no indication on the voucher that may have been reimbursed on this basis. (We have been advised informally that the authority for payment of travel expenses from Seattle to Fairbanks to which the letter refers was a local policy applied normally to the travel of firefighters recruited from outside Alaska when necessary.)

Apparently submission in March 1970 of his voucher for travel expenses from Whitesboro to Fairbanks incurred in March 1968 was prompted by a notification to him in March 1970 that he was eligible for home leave travel under provisions of subsection 5728(a) of title 5, United States Code. His entitlement to this benefit, first requested on November 24, 1969, was finally determined on May 22, 1970, by a decision of the Home Leave Travel Review Board, an organization established to advise the State Director of the Bureau of Land Management. question is:

"If I'm eligible for home leave - why haven't I received my moving expenses and travel pay for my initial move?"

entitlement, as a new appointee, to reimbursement for expenses of travel from his place of actual residence at the time of appointment to Fairbanks, Alaska, a place of employment outside the continental United States (5 U.S.C. 5701(6)), is governed by subsections 5722(a)(1) and 5722(b)(2) of title 5, United States Code, and

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the statutory regulations promulgated pursuant thereto by the Office of Management and Budget. Pertinent provisions of Office of Management and Budget Circular No. A-56<sup>X</sup> effective during the period here involved are as follows:

"1.3 Conditions and limitations regarding payment of allowances.

"a. Eligibility conditions. When authorized or approved (underscoring supplied) by such official or officials as the head of the department may designate, travel and transportation expenses \* \* \* shall be paid in the case of \* \* \* (2) new appointees from their places of actual residences at the time of appointment to permanent duty at official stations outside the continental United States \* \* \* (4) eligible employees outside the continental United States in connection with round trip travel between tours of overseas duty. \* \* \*

\* \* \* \* \*

"c(2) \* \* \* The expenses of travel, transportation, moving \* \* \* in connection with the transfer or appointment of employees to posts of duty outside the continental United States shall not be allowed unless and until the employee \* \* \* shall agree in writing to remain in the service of the Government for twelve months following the effective date of the transfer or appointment \* \* \*"

Also, subsection 2.1, Standardized Government Travel Regulations, provides that "\* \* \* all travel will be either authorized or approved by the head of the agency or by an official to whom such authority has been delegated. \* \* \*"

The pertinent portions of the regulations governing home leave travel, found in section 7<sup>6</sup> of Circular No. A-56, are as follows:

"7.1 Applicability. In order to be eligible to receive allowances for travel and transportation expenses as authorized in this section, an employee prior to departure from his post of duty outside the continental United States must have:

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"a. Satisfactorily completed an agreed upon period of service as provided in subsection 1.3c, except that employees who did not sign such an agreement because they were assigned to their posts of duty before such agreements were required shall be required only to have served satisfactorily for a period of not less than the period of service generally applicable to the employees of the department and serving at the post of duty concerned or in the same geographic area.

"b. Entered into a new written agreement as provided in subsection 1.3c for another period of service at the same or some other post of duty outside the continental United States. A new written agreement is required regardless of whether the employee completed an agreed upon period of service at the post of duty from which leave is to be taken or is one of those referred to in subsection 7.1a who did not sign such an agreement because he was assigned to his post of duty before such an agreement was required."

While the regulations governing reimbursement of expenses of initial travel of new appointees and home leave travel are related, they do not require, as a condition of entitlement to home leave, that the employee be hired under circumstances in which the Government paid expenses of transportation to the overseas post of duty. 45 Comp. Gen. 444 (1966). Conversely, the fact that a locally hired employee is found to be entitled to home leave travel benefits does not mean that any rights are conferred to retroactive reimbursement of expenses incurred incident to travel to the post of duty. Thus, although has been determined to be entitled to home leave travel, this does not obligate the Government to pay for his initial travel to Alaska.

At the time was appointed it appears to have been the understanding of the Fairbanks District and Land Office that the nature of the original appointment (temporary excepted, seasonal) precluded payment of travel expenses from his place of residence to Fairbanks. Further, it was the view of that office that in the event the seasonal appointment was converted to career conditional (as it was) he would be regarded as a "local hire" and automatically excluded from initial travel reimbursement. In this connection, we would point out that the nature of an appointment does not necessarily affect entitlement to travel expense reimbursement. See 41 Comp. Gen. 434 (1962) and B-164051, July 10, 1968, copy enclosed.

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However, as noted above, the provisions of subsections 1.3a of Circular No. A-56 and 2.1 of the Standardized Government Travel Regulations require that, in order to be reimbursable, travel must be authorized or approved by an appropriate official. See B-150305, January 9, 1963, and B-170558, November 17, 1970, copies enclosed. In addition to the statements made in the letter of March 5, 1968, quoted above which show no intent to authorize the expenses claimed in advance, we have noted the following statements in the memorandum of September 3, 1970, of the Manager, Fairbanks District and Land Office:

"We didn't promise him [ ] 7 that we would pay him travel to Alaska or even promise that he would be considered eligible for home leave. \* \* \*

\* \* \* \* \*

"I would not have hired [ ] if I had known, absolutely, that we would have to pay \$1600.00 to move his family and him to Alaska. \* \* \*

"\* \* \* If we are legally required to pay his transportation I will not object. If it is decided that we are not legally required to do so however, we are under no obligation to since he accepted the job knowing that there was a good chance that we would not pay transportation."

In view of these statements made more than 2 years after the travel in question was performed, we find nothing to indicate that reimbursement of the expenses can be said to have been approved. Lacking this necessary authorization or approval, we find no basis upon which the voucher may be certified for payment.

Sincerely yours,

R.F.KELLER

Assistant Comptroller General  
of the United States

Enclosures