



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

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January 14, 1974

B-180258

Commander
Puget Sound Naval Shipyard
Bremerton, Washington 98314

Dear Sir:

This is in reply to the letter of your Acting Director of Industrial Relations, Mr. R. H. Britten, reference (170) 4650, dated November 28, 1973, to the Seattle Regional Manager of the U. S. General Accounting Office, requesting our decision as to whether payment may be made to Mr. Richard L. Bibber, for the costs he incurred in travel and transportation of his household goods from Rye, New Hampshire, to Bremerton, Washington, incident to reporting to his first duty station.

The information of record shows that Mr. Bibber was recently hired by the Puget Sound Shipyard as a Nuclear Engineering Technician, GS-802-9. During his pre-employment interview he was informed by those in authority that his travel and transportation expenses to his first duty station in Bremerton would be paid by the Puget Sound Naval Shipyard if he accepted an appointment. With such understanding Mr. Bibber accepted the appointment, and entered upon duty at the Shipyard on October 18, 1973. Upon arrival, he filed a claim for reimbursement of his travel and transportation expenses and was informed that since Nuclear Engineering Technicians had not been declared a manpower shortage position by the Civil Service Commission, the Shipyard was unable to reimburse him for these expenses. A copy of that claim was not forwarded with the submission.

Thereafter, the Civil Service Commission was requested on November 12, 1973, by the Shipyard to review the facts of this case and place the position of Nuclear Engineering Technician, GS-802-9 in the shortage category classification. In their letter of November 20, 1973, to the Shipyard the Commission's Seattle Region stated:

"We have reviewed the recruiting situation for Nuclear Engineering Technician positions and find that this position is in fact a shortage category position. This was also true when Mr. Bibber was recruited and selected."

[Claim for Costs of Travel and Transportation]

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That letter also informed you that the Commission does not have authority to approve payment of such funds retroactively and suggests that you contact the General Accounting Office which has jurisdiction in the matter. Although we are without authority to render a decision at the request of your Acting Director of Industrial Relations (see 31 U.S.C. 74, 82d) since the facts presented are sufficient to support a decision and since a delay in rendering a decision would work a hardship on the employee involved we are advising you of our conclusion.

Section 5723 of title 5 U.S. Code provides, in part:

"(a) Under such regulations as the President may prescribe and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

"(1) travel expenses of a new appointee, or a student trainee when assigned on completion of college work, to a position in the United States for which the Civil Service Commission determines there is a manpower shortage; and

"(2) transportation expenses of his immediate family and his household goods and personal effects to the extent authorized by section 5724 of this title;

from his place of residence at the time of selection or assignment to his duty station. * * *

"(b) An agency may pay travel and transportation expenses under subsection (a) of this section only after the individual selected or assigned agrees in writing to remain in the Government service for 12 months after his appointment or assignment, unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the United States for the expenses is recoverable from the individual as a debt due the United States."

The file does not show why a belated request was made for determination of manpower shortage by the Commission, but in any event, such delay was not excessive and was not the fault of the employee. Also the Commission determined that a manpower shortage

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did in fact exist in the Bremerton, Washington, area for a Nuclear Engineering Technician, GS-802-9, at the time Mr. Bibber was selected.

In view of the foregoing, this Office would offer no objection to the payment of the travel and transportation expenses as authorized by 5 U.S.C. 5723 to Mr. Bibber provided he executes an agreement in writing to remain in the Government for 12 months from the date of his appointment as required by that section. See B-148524, April 10, 1962; B-161599, June 29, 1967; and B-172118, May 25, 1971; copies enclosed. The papers forwarded with the request are returned.

This decision may be used as authority for approving Mr. Bibber's travel at Government expense. Further, the appropriate disbursing officer may use this decision in support of otherwise proper payments to Mr. Bibber for the travel and transportation involved.

Sincerely yours,

R.F.KELLER

Deputy Comptroller General
of the United States

Enclosures

cc: Mr. Phillip A. Bernstein,
Regional Manager
Seattle Regional Office
U.S. General Accounting Office