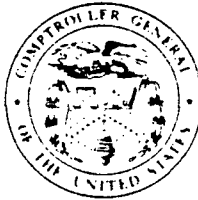


**DECISION**

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

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FILE: B-182508

DATE:

JUN 3 1975

MATTER OF: James S. Mayes - Expenses incurred incident  
to house-hunting trip

**DIGEST:**

Civilian employee of Department of the Army made house-hunting trip incident to permanent change of station due to reduction-in-force action, although such trip was not authorized on travel order by appropriate agency officials because of unfamiliarity with regulations. Employee is not entitled to reimbursement for expenses incurred based upon post-approval of trip by agency since trip was not authorized in advance, as required by law and regulations, and there was no administrative error in the travel order permitting its amendment.

This is a request for reconsideration of the Settlement Certificate issued by our Transportation and Claims Division on April 2, 1974, which disallowed reimbursement of expenses incurred by Mr. James S. Mayes, a civilian employee of the Department of the Army (DA), incident to round-trip travel by him and his wife to seek permanent residence quarters. The expenses were incurred in connection with his permanent change of station (PCS) from the Umatilla Army Depot, Hermiston, Oregon, to Sacramento, California, due to a reduction-in-force action by the agency.

The pertinent facts of record show that Travel Order No. UMAD 54-73, dated April 18, 1973, authorized permanent-change-of-station travel for the claimant and his family including travel by privately owned conveyance, temporary quarters subsistence expenses for 30 days, real estate expenses, miscellaneous expenses, transportation of dependents, shipment of household effects, and temporary storage of household goods not to exceed 60 days. The travel order also discloses that Mr. Mayes signed a Transportation Agreement on April 10, 1973, and that he was to report for duty at his new station on or about April 30, 1973. Block 9 on the travel order states that round-trip travel to seek permanent residence was not authorized. The claimant and his wife, also a Federal employee, did, however, go to Sacramento on April 12 to seek a permanent residence at his own expense, using annual leave. Mr. Mayes' claim is for reimbursement for expenses incurred in connection with the house-hunting trip and restoration of annual leave for him and his wife.

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In his request for review of his claim, the employee states that he accepted the position in Sacramento on April 4, 1973; that he made the house-hunting trip from April 12 through April 15, 1973; and that his permanent change of station occurred on May 2, 1973. An attached letter, dated May 7, 1974, and another letter dated September 25, 1973, from the Umatilla Army Depot reveal that the cited travel order was amended on September 25, 1973, to authorize "round-trip travel, not to exceed 6 calendar days including travel time to seek permanent residence." It was stated, in essence, that the subject travel order was amended as a direct result of DA directive, Message 191711Z, June 1973, which apparently allowed authorization of round-trip travel between old and new duty stations to seek permanent residence and temporary quarters subsistence expenses in PCS moves of employees caused by reorganization actions. The May 1974 letter also stated that prior to receipt of the DA directive and without knowledge of the stated DA policy contained in DA, a Chief of Staff, Umatilla Army Depot letter dated November 10, 1972, limited authorization to either reimbursement of expenses incurred in a house-hunting trip or temporary quarters subsistence expenses.

It is the contention of Mr. Mayes that he was counseled incorrectly by officials at the Umatilla Army Depot and that according to the provisions of paragraph C4107, Joint Travel Regulations (JTR), Volume 2, he was entitled to reimbursement for the house-hunting trip and temporary quarters subsistence since he was involved in a reduction-in-force action.

Under the provisions of 5 U.S.C. § 5724(a)(2) (1970), which has been implemented by section 7, Office of Management and Budget (OMB) Circular No. A-56, revised August 17, 1971, and in force at the time of the travel in question, an employee and his spouse may, under appropriate circumstances incident to a permanent change of station, be authorized one round trip to seek permanent quarters at the new duty station. Section 7.3c of the OMB Circular provides as follows:

"c. Authorization prior to trip. The trip for finding residence quarters shall not be made at Government expense unless a permanent change of station travel order has been issued which includes authorization for the round trip, mode of transportation and period of time allowed for the trip, specifies the date for reporting at the new official station, and indicates that the employee

has signed the required agreement. An employee will be in a duty status during the authorized round trip period of absence." (Emphasis supplied.)

In certain cases we have allowed the payment of expenses for a house-hunting trip, notwithstanding the fact that no written authorization had been issued prior to the trip, where the employee was verbally authorized to make the trip by a responsible official of the agency with competent authority before it was taken, and the manner in which it was taken was in the best interests of the agency. However, we have also held that in the absence of authorization prior to the performance of the trip by an official vested with authority to grant such authorization, house-hunting trip expenses may not be reimbursed.

In the instant case, the DA directive, Message 191711Z, dated June 1973, as such, is not applicable to the facts herein as it was issued subsequent to the house-hunting trip under consideration. Also, it is clear that under the provisions of section 7 of the OMB Circular, as well as 2 JTR para. C4107 (changes 66 and 97, April 1, 1971, and March 1, 1972, respectively), an employee and his spouse may be authorized one round trip at Government expense, between the old and new duty stations, to seek permanent residence quarters, along with reimbursement for temporary quarters subsistence expenses provided an appropriate official of the agency responsible for payment of travel and transportation allowances specifically determines that such a trip should in fact be authorized. The issue here is whether the improper counseling of Mr. Mayes by officials at Umatilla Army Depot, due to unfamiliarity with the cited regulations which allowed them to authorize a house-hunting trip to the employee and his spouse, constitutes administrative error of a type which may be construed as an exception to the regulatory requirement that the travel order include authorization for the round trip to seek permanent residence quarters at the new duty station.

As we have stated earlier, there are some circumstances in which post-approval may be granted on the basis that certain administrative errors have occurred. However, the administrative errors which may be retroactively corrected to increase or decrease benefits allowable to employees are those which relate to a failure to follow the specific intent of the authorizing official. B-179449, November 26, 1973. At the time of the travel in question, the duly authorized officials at Umatilla did not and could not have formed any specific intent

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with respect to Mr. Mayes' entitlement to a house-hunting trip at Government expense as they were unaware of their authority to authorize such a trip. Further, section 7 of OMB Circular No. A-56 requires that specific circumstances be found to exist before such a trip may be authorized by appropriate agency officials. Therefore, post-approval of the trip by those officials would not constitute administrative error of the type which would justify an exception to the regulatory requirement that the permanent change of station travel order contain, among other things, authorization for the house-hunting trip.

With respect to the restoration of annual leave used by the claimant and his wife during their house-hunting trip, such recrediting of leave is precluded by section 7.3c of the OMB Circular, previously quoted, inasmuch as the round trip was unauthorized and consequently they were not in a duty status.

In view of the foregoing, the disallowance in the settlement certificate issued by our Transportation and Claims Division on April 2, 1974, is sustained.

**B.F. KELLER**

| Deputy      Comptroller General  
                 of the United States