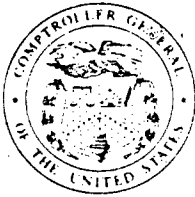


**DECISION**

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

30954  
97512

FILE:

B-182876

DATE: SEP 17 1975

MATTER OF:

Thomas Wooten - travel expenses

## DIGEST:

Employee traveled at own expense from home in Houston, Texas, to Wisconsin for interview and, a: close of interview, was sworn in and told to report 2 weeks later to Dallas, Texas, for training prior to entrance on duty in Wisconsin. Employee returned to Houston and attended the orientation training en route to Wisconsin. He is not entitled to constructive round-trip travel between Wisconsin and Dallas, although he had taken oath, since he had not entered on duty prior to training and expense of travel for interview purposes and of reporting to first duty station are to be borne by employee.

An authorized certifying officer of the United States Department of Justice, Bureau of Prisons, requested an advance decision as to whether the reclaim voucher submitted by Mr. Thomas Wooten, a Bureau employee, may be certified for payment. The \$157.07 amount which is the subject of that voucher represents the constructive costs, including transportation and per diem, of round-trip travel between Oxford, Wisconsin, and Dallas, Texas, under the circumstances stated below.

Mr. Wooten traveled at his own expense from his home in Houston, Texas, to be interviewed by the Bureau of Prisons in Oxford, Wisconsin. Having been successfully interviewed on January 23, 1974, the day following his travel, Mr. Wooten was administered the oath of office and was told to report to the Dallas Staff Training Center on February 4, 1974, for 2 weeks of orientation training prior to reporting to his place of permanent assignment in Oxford, Wisconsin. The employee returned to Houston, traveled to Dallas and, after his orientation training traveled to Oxford. He claimed reimbursement for the expense of round-trip travel between Oxford and Dallas. The Bureau disallowed the claim but paid him the additional cost incurred by him incident to travel from Houston to Oxford via Dallas to receive orientation training. Mr. Wooten reclaimed the disallowed amount.

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While recognizing the general rule that a prospective employee must bear the expense of travel for the purpose of a preemployment interview and the well-established principle that a newly appointed employee is required to bear the expense of reporting to his first official duty station, Mr. Wooten feels, nonetheless, that under the particular circumstances of his interview and appointment the travel expenses claimed are properly payable by the Government. He relies largely on the fact that he was administered the oath of office on the same day that he was interviewed. In addition he claims to have established residence in Westfield, Wisconsin, prior to his departure for Houston in the early afternoon of January 24, 1974, the day following his interview.

As expressed in his letter of March 21, 1974, the basis for Mr. Wooten's claim is as follows:

"I feel that I should be reimbursed for my travel from Oxford, Wisconsin to Dallas, Texas and back as every other employee that went to the training center in Dallas, Texas was. On January 23, 1974 I was sworn in at the Federal Correctional Institution Oxford, Wisconsin and established residence in Westfield, Wisconsin. It was at the convenience of the government that I began my duty at the Staff Training Center in Dallas, Texas. Normally employees attend special training classes after two or three months on duty. Since I originally reported to Oxford, Wisconsin and established residence I could have begun my service at Oxford, Wisconsin instead of Dallas, Texas. I have also paid all of my own expenses, both subsistence and transportation in reporting to my first official duty station. Since I have complied with this stipulation and was told when I came to Oxford, Wisconsin on January 23, 1974 that I would be required to report in Dallas, Texas on February 4, 1974 before I started duty in Oxford, Wisconsin; I believe that I should receive reimbursement for my trip. \* \* \*"

Essentially it is Mr. Wooten's position that in having borne the expense of reporting for his interview in Wisconsin he in effect discharged the responsibility of placing himself at his first duty station. The Bureau, being of a contrary view, places little

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importance on the fact that Mr. Wooten was administered the oath of office just after his interview inasmuch as he was not told to report for duty until commencement of the training course on February 4, 1974.

Mr. Wooten's argument with respect to the effect of his having been administered the oath of office just subsequent to his interview was considered in 41 Comp. Gen. 371 (1961). There the employee was sworn in at Greenville, South Carolina, and sent to Washington, D.C., for a period of training and orientation prior to entrance on duty at Jackson, Mississippi, his first duty station. The employee argued that the fact of his having been previously sworn in shifted to the Government the burden of expense of reporting for duty. On page 372 we replied to that contention as follows:

"The reason for the rule that an employee whose compensation is fixed by law or regulation must, upon appointment to an office or position in the service of the United States, bear the expense of reporting to his first duty station is that '\* \* \* the placing of oneself at the station where his work requires him to be is one of the burdens of qualifying for employment, and that to shift such expense to the United States would result in the payment of additional compensation not allowed by law \* \* \*.' 22 Comp. Gen. 869, 871. The fact that you took the oath of office prior to your reporting to your first duty station does not relieve you from the obligation of reporting to your first duty station at your own expense. Furthermore, it is well established that the rule 'is not changed by the fact that an employee is required to come to Washington, or to remain temporarily in Washington after appointment here, or to report to headquarters elsewhere, for special instructions or training before proceeding to a field station to perform the duties for which he was appointed. 9 Comp. Gen. 359; 10 id. 184; 11 id. 56; 20 id. 820.' 32 Comp. Gen. 537, 538."

The above decision, of course, does not involve the situation of an employee administered the oath of office at approximately the location of his intended first duty station. We recognize, as

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Mr. Wooten apparently claims, that if he had been ordered to report for duty at Oxford rather than at his training assignment in Dallas he could possibly have arranged his personal affairs in a manner that would have permitted him to remain there without the necessity of returning to Houston to relocate his family. If he had done so, he would then have been entitled to transportation expenses in connection with his training assignment and, given its proximity to his family home in Houston, he could perhaps have driven with his family in returning to Wisconsin, thus saving him the expense of his own and much of his family's travel. However, we know of no obligation on the part of an agency to arrange the interviews and appointments of its employees in a manner so as to accommodate their particular moving situations. An agency need only assign its employees in accordance with its particular needs. In this particular case, it appears that the Bureau had no need for Mr. Wooten to report to actual duty in Wisconsin until after his training. Accordingly, his travel to Houston is considered travel in connection with the interview and he, like most prospective employees, was required to bear the expense of traveling to and from the place of his interview and of reporting to his first duty station. Therefore, we find no basis for reimbursing him those costs. The action of the Bureau in reimbursing Mr. Wooten only those additional travel expenses occasioned by his training assignment is in accordance with our holding in B-168362, December 16, 1969, and 53 Comp. Gen. 313 (1973).

Accordingly the reclaim voucher submitted for our consideration may not be certified for payment.

R. F. KELLER

Deputy ]

Comptroller General  
of the United States