

DOCUMENT RESUME

03196 - [A2313439]

[Relocation Expenses Incident to Transfer]. B-188301. August 16, 1977. 2 pp.

Decision re: Joan E. Marci; by Robert P. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.
Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Civil Service Commission; National Archives and Records Service: John F. Kennedy Library, Lexington, MA.

Authority: 54 Comp. Gen. 993. 53 Comp. Gen. 836. B-186764 (1977). B-186763 (1976).

Douglas C. Graft, Authorized Certifying Officer of the Civil Service Commission, requested a decision on the propriety of payment of an employee's relocation expenses incurred prior to official transfer. She may not be reimbursed until it is shown that there was a clearly evident administrative intention to transfer her when expenses were incurred and the agency determines that her move was incident to the transfer. (HTW)

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DECISION



*S. J. [unclear]
Comp. Gen.*

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

FILE: B-189301

DATE: August 16, 1977

MATTER OF: Joan E. Marci - Relocation expenses incident to transfer

DIGEST: Employee who transferred from GSA to CSC, relocated residence prior to issuance of transfer and travel orders. Employee may not be reimbursed for moving expenses incurred prior to official transfer until it is shown (1) that there was a previously existing administrative intention to transfer her which was clearly evident at the time the expenses were incurred, and (2) the agency determines that her move was incident to the transfer.

This action is in response to a letter dated January 25, 1977, from Mr. Douglas C. Groft, Authorized Certifying Officer, United States Civil Service Commission, requesting a decision on the propriety of certifying for payment a voucher submitted by Ms. Joan E. Marci for relocation expenses incurred prior to her official transfer from Lexington, Massachusetts, to Washington, D.C.

Ms. Marci was employed by the National Archives and Records Service, John F. Kennedy Library, Lexington, Massachusetts, as a research assistant until November 6, 1976. She was transferred to the Civil Service Commission, Appeals Review Board, Washington, D.C., as an appeals officer effective November 7, 1976. Previously, on September 30 and October 1, 1976, Ms. Marci transported her household goods to the Washington, D.C., area. She claims mileage, per diem, and expenses of transporting her goods on those days. However, her travel order, which authorized her moving expenses of September 30 and October 1, 1976, was not issued until December 9, 1976. Since Ms. Marci moved her household goods to the Washington, D.C., area prior to the issuance of her travel orders and while still employed by the Library, the certifying officer questions whether Ms. Marci's transportation expenses are allowable and whether they were incurred incident to her official transfer.

Administrative authorization is a necessary condition to the Government assuming the transportation expenses of a transferred employee. 54 Comp. Gen. 993 (1975). Ordinarily, such authorization

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is evidenced by formal written travel orders issued prior to the performance of the travel. However, we have held that the reimbursement of moving and relocation expenses incurred prior to and in anticipation of a transfer of official duty station may be allowed if the travel order subsequently issued includes authorization for the expenses on the basis of a "previously existing administrative intention, clearly evident at the time the expenses were incurred by the employee, to transfer the employee's headquarters." 53 Comp. Gen. 836 (1974). What constitutes a clear intention to transfer an employee depends on the circumstances in each case. Matter of Richard E. Fitzgerald, B-186764, March 3, 1977.

There is no evidence in the present record of an existing administrative intention to transfer Ms. Marci at the time her transportation expenses were incurred. The Standard Form 50, Notification of Personnel Action, notifying Ms. Marci of her transfer, was dated December 6, 1976. Ms. Marci's travel order was then issued on December 9, 1976. However, there is nothing in either document indicating that there was an administrative intention to transfer Ms. Marci at the time she relocated her residence. Therefore, those expenses which she incurred prior to her actual transfer may not be certified for payment until it is shown that there was a previously existing administrative intention to transfer her which was clearly evident to her at the time she incurred her moving expenses.

We have also held, in cases where an employee has relocated his residence prior to the transfer, that relocation expenses shall be reimbursed only when the agency has determined that the relocation was incident to the change of official station. Matter of Samuel V. Britt, B-185763, October 6, 1976; March 28, 1977, and cases cited therein. In this connection it is our opinion that the employing agency has broad authority to make this factual determination. Therefore, until the Civil Service Commission determines that Ms. Marci's move was incident to her transfer, her claim for moving expenses is for disallowance.

Accordingly, unless the necessary factual determinations are made by the agency, the voucher may not be certified for payment.


Deputy Comptroller General
of the United States