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

B-195167

March 5, 1981

Reimbursement of Relocation Expenses For Postal Service Employees

The Honorable William F. Bolger
Postmaster General
United States Postal Service

Dear Mr. Bolger:

Further reference is made to your letter dated May 23, 1980, requesting that we reconsider our decisions in Matter of Postal Service Employees, 58 Comp. Gen. 132 (1978), and Matter of James A. Schultz, 59 Comp. Gen. 28 (1979).

In those decisions, we held that an employee of the Postal Service who accepts an appointment to a new position with an executive agency is not eligible for reimbursement of relocation expenses under 5 U.S.C. 5724 and 5724a. Essentially, we noted that 5 U.S.C. 104 and 2105, as amended by the Postal Reorganization Act of 1970 (Act), Pub. L. 91-375, 6(c)(2) and (4), 84 Stat. 775, exclude the Postal Service from the definition of "executive agency" and direct that an employee of the Postal Service is not to be deemed an "employee" for purposes of title 5 of the United States Code except as otherwise expressly provided by law. We also noted that 5 U.S.C. 5721 specifically precludes Postal Service employees from being regarded as "agency employees" for purposes of 5 U.S.C. 5724 and 5724a, which govern the reimbursement of the relocation expenses of transferred agency employees. We therefore had no alternative but to conclude that 5 U.S.C. 5724 and 5724a have no application to employees of the Postal Service.

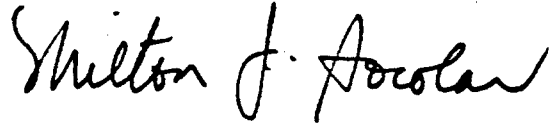
As you suggested, we have reconsidered our previous decisions in light of the arguments contained in the memorandum enclosed with your letter of May 23, 1980. However, the fact remains that the Act specifically precludes the Postal Service from being considered an executive agency for the purposes of title 5, United States Code. Moreover, neither 39 U.S.C. 1006 nor any other provision of law expressly extends the coverage of 5 U.S.C. 5724 and 5724a to Postal Service employees; on the contrary, coverage is specifically and plainly precluded by 5 U.S.C. 5721. Therefore, in light of the clear statutory language of the Act, we have no basis, in the absence of an amendment to the Act, to reverse or modify our previous decisions.

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We trust this will serve the purpose of your inquiry and regret we are unable to furnish a more favorable reply.

Sincerely yours,

A handwritten signature in cursive script that reads "Milton J. Asoolan".

Acting Comptroller General
of the United States