

DECISION



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

FILE: B-196042

DATE: October 17, 1980

MATTER OF: Transportation of household effects

- DIGEST:
1. When maximum weight allowance for transportation or nontemporary storage of household goods for transferred employees without immediate family is increased during overseas employee's tour of duty, employee who enters into renewal agreement at same post may be authorized increased weight allowance at time of renewal for nontemporary storage or shipment of household goods up to new maximum less initial shipment.
 2. Employee who fulfills period of service at overseas post or who is excused from this by agency is entitled to ship weight of household goods up to maximum weight under laws and regulations at time he separates. Travel and transportation rights and liabilities vest at time it is necessary to perform directed travel and transportation; therefore, laws and regulations in effect at time employee reports for duty have no applicability to return travel and transportation at a later date.
 3. Employee entitled to ship household goods to overseas duty post may ship goods from or to any locations he wishes but maximum expense borne by Government is limited to cost of a single shipment by the most economical route from employee's last official station to his new official station.

PUBLISHED DECISION
60 Comp. Gen. 30...m

B-196042

The Assistant Secretary of the Army (Manpower and Reserve Affairs), requests an advance decision on four questions raised by the April 29, 1977 amendment to the Federal Travel Regulations which increased the weight allowance for transportation or nontemporary storage of household goods for employees without immediate family transferred overseas. Two of the questions are, basically, whether a renewal agreement for an employee serving overseas is tantamount to a transfer so as to entitle the employee to the increased weight allowance for storage or shipment of household goods. Another question is whether return to the United States from overseas duty for separation is tantamount to a transfer so as to entitle the employee to the higher weight allowance for shipment of household goods. The final question is whether an employee entitled to the increased weight allowance for transportation of household goods overseas may have his goods shipped from various locations other than his actual place of residence prior to the transfer. As will be explained, all questions are answered affirmatively.

This request for an advance decision was approved by the Per Diem, Travel and Transportation Allowance Committee and assigned Control Number 79-32.

The Assistant Secretary indicates that under paragraph C8002-2c of Volume 2 of the Joint Travel Regulations (2 JTR), the military services have allowed civilian employees working overseas, who initially ship less than their maximum weight allowance of household goods, to ship the balance of their weight allowance upon executing a renewal agreement. He points out that this regulation is consistent with our decision in 38 Comp. Gen. 653 (1959), wherein we approved such a practice.

The Assistant Secretary now raises the four questions because on April 29, 1977, the General Services Administration issued Temporary Regulation A-11, Supplement 4, which contained many amendments to the Federal Travel Regulations (FTR). Among these amendments was one to FTR, para. 2-8.2a (FPMR 101-7, May 1973), which increased the maximum weight allowance from 5,000 pounds to 7,500 pounds for transportation or nontemporary storage of household goods for transferred employees without immediate family. The questions

B-196042

arise because paragraph 2b of the notice transmitting the revisions in the regulations specifies that an employee's entitlement to the increased relocation allowances accrues only if the "employee's effective date of transfer, i.e., the date the employee reports for duty at a new official station [is] on or after June 1, 1977."

The first question presented is:

1. "May an employee's household goods in nontemporary storage, which were previously excess to the authorized maximum weight allowance, and which were being stored at an employee's personal expense, be converted to nontemporary storage at Government expense upon execution of a renewal agreement to serve an additional tour of duty at the same overseas station, not to exceed the increased weight allowance?"

The weight allowance of household goods for employees without immediate family was previously increased from 2,500 pounds to 5,000 pounds on October 12, 1966. At that time, the weight allowance in the applicable regulation, section 6.2 of Bureau of the Budget Circular No. A-56 (now FTR, para. 2-8.2) was increased under a transmittal notice which in paragraph g limited the increased weight entitlement to employees transferring after a certain date as was done in paragraph 2.b of the transmittal letter to Temporary Regulation A-11.

In response to a question as to when the increased limits under Circular No. A-56 of October 12, 1966, would apply to an employee whose goods in storage exceeded 2,500 pounds, we held that the employee would receive the increased allowance upon completion of his tour of duty and commencement "of a subsequent tour of duty at the same or some other overseas post." B-160901, April 6, 1967, citing section 6.7b(5) of Circular No. A-56 (now contained in FTR, para. 2-9.2d). Similarly, the increased weight allowance authorized by the April 29, 1977 amendment accrues to one entering into a renewal but only after his travel orders are appropriately amended. B-160901, April 6, 1967.

B-196042

The following is the second question:

2. "Is an employee, who was limited to the lower maximum household goods weight allowance while assigned overseas, entitled to the newly established higher maximum weight allowance upon return to the United States for separation? Is return travel for separation considered to be the same as permanent change-of-station travel from one duty post to another for weight allowance purposes?"

Under 5 U.S.C. § 5724(d), an employee who transfers outside the continental United States is entitled to travel and transportation expenses to and from the post to the same extent within the same limitations as new appointees under 5 U.S.C. § 5722. New appointees' entitlement to return travel is limited by the requirement that they fulfill a required period of service or are separated for reasons beyond their control, which are acceptable to the agency. 5 U.S.C. § 5722(c). This same limitation regarding entitlement to return travel is made expressly applicable to employees transferred overseas under FTR, para. 2-1.5g(4). For overseas employees, we have held that the fulfillment of this period of service is a condition to the vesting of the employee's entitlement to travel. See 44 Comp. Gen. 767, 769 (1965). Accordingly, the employee has no entitlement to return travel and transportation for separation at the time he reports for duty overseas; and the applicable laws and regulations regarding travel at the time he reports have no application to this contingent right of return travel. Rather, the general rule applies that the employee's legal rights and liabilities in regard to travel and transportation allowances vest as and when the necessary travel and transportation is performed under competent orders. See 54 Comp. Gen. 638, 639 (1975); and 48 Comp. Gen. 119, 121-122 (1968).

Accordingly, an overseas employee who returns to the United States for separation after fulfilling his service obligation is entitled to ship the maximum weight of household goods under the laws and regulations in effect at the

B-196042

time of the return and, for this purpose, the return is treated the same as a transfer.

The following is the third question presented:

3. "Is an employee without an immediate family, serving overseas, entitled to the new maximum weight allowance of 7500 pounds incident to the execution of a renewal agreement signed after 1 June 1977 for a tour of duty at the same duty station in which he had just completed the initial tour? In this situation, considering the absence of a different permanent duty station, has a transfer occurred for weight allowance purposes?"

In B-160901, April 6, 1967 (discussed above), we also approved the increased weight allowances for shipment of household goods for employees without immediate family whose travel orders are amended upon completion of a period of overseas employment and commencement of a new period of duty at the same post under a renewal agreement. Therefore, employees without immediate family who enter into renewals may be authorized shipment of household goods up to 7,500 pounds (less the initial shipment) under the authority of 38 Comp. Gen. 653 (1959), as implemented by 2 JTR para. C8002-2c. Thus, for this increased weight allowance, the renewal satisfies the requirement of a transfer in the transmittal notice.

The fourth question presented is:

4. "If an employee is entitled to ship an increased weight allowance of household goods to the same or a different overseas duty station, may such property be shipped, at Government expense, from a geographical location other than the employee's place of actual residence prior to transfer overseas? For example, if an employee's place of actual residence was Washington, DC, but some of the employee's personal effects or household goods were left with relatives

B-196042

residing in Florida, or, during the interim, the employee had inherited or been given certain other property located in some different geographical area within the United States, could these various increments be shipped at Government expense to the employee's overseas station? If so, would there be any limitation, other than the maximum weight allowance, in the amount the Government would pay for such multiple shipments?"

Paragraph 2-8.2d of the FTR and para. C8002-4 of 2 JTR authorize multiple shipments from different locations with the limitation that the total amount which may be paid or reimbursed by the Government shall not exceed the cost of a single shipment by the most economical route from the employee's last official station to the new official station. Therefore, in the example given the additional goods could be shipped but the amount payable by the Government may not exceed the cost of their shipment as one shipment from the place of actual residence, Washington, D.C.

Milton J. Aroslan

For The Comptroller General
of the United States