

DECISION

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

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FILE: B-205858

DATE: May 3, 1982

MATTER OF: Ms. Pamela E. Allen

DIGEST: An undergraduate student trainee appointed to position in Los Angeles may not be reimbursed expenses of travel from San Francisco to Los Angeles and return. Since the trainee had not yet completed her undergraduate work at University of San Francisco and since the position to which she was appointed had not been designated a manpower shortage category position, travel does not come within authority of 5 U.S.C. 5723 and trainee is subject to general rule that new appointees must bear the expenses of travel to their first duty station. Since trainee's return to San Francisco 4 months later was for purpose of completing undergraduate studies and not for purpose of transfer or official business, return travel expenses may not be paid.

This action is in response to a request from an Authorized Certifying Officer, Department of Housing and Urban Development, concerning the entitlement of Ms. Pamela E. Allen to round-trip travel and transportation expenses as an employee of that agency. For the reasons stated below, these expenses may not be reimbursed.

The submission states that the claimant, Ms. Pamela E. Allen, then a student at the University of San Francisco, was hired under the terms of a Cooperative Education Agreement between that university and the Department of Housing and Urban Development. While the Department's San Francisco Regional office performed all aspects of the hiring procedure because of its proximity to the university, Ms. Allen was appointed to a position with the Department's Los Angeles office effective September 24, 1978. On February 2, 1979, she returned to her home in Oakland, California, in a leave-without-pay status for the purpose of completing her undergraduate studies.

The Certifying Officer asks whether Ms. Allen may be reimbursed for the expenses for her travel and transportation

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to Los Angeles on September 24, 1978, and her return travel on February 2, 1979. These and the other items she claimed are expenses that would be payable if San Francisco had been her permanent duty station and if Los Angeles had been her temporary duty assignment. In support of her claim, Ms. Allen states:

"* * * Because I was appointed a student trainee (Auditor) in a manpower shortage position (Accountants & Auditors), I am requesting reimbursement for travel and transportation for expenses I incurred during that period."

There is nothing in the file to suggest that the San Francisco Regional Office's relationship to Ms. Allen was other than a point of employment processing for the Los Angeles office. The initial SF-50 "Request for Personnel Action" in her case, dated August 14, 1978, stated that although she was being employed as a Student Trainee (Accounting) through the Office of Inspector General, Office of Audit, San Francisco, California, her designated duty station was Los Angeles, California. While one SF-50, dated October 13, 1978, indicated San Francisco as her duty station, that was subsequently corrected. Since there is nothing in the record to suggest that she was assigned to permanent duty elsewhere, the record establishes that Los Angeles was her first and only permanent duty assignment from September 24, 1978, to February 2, 1979. It may not be regarded as a temporary duty station for the purpose of entitling her to the temporary duty travel and transportation expenses authorized by 5 U.S.C. 5702 and 5704.

It is a rule of longstanding that all public officers and employees must bear the expense of travel to their first permanent duty station in the absence of a statute or regulation providing otherwise. 30 id. 373 (1951); 53 id. 313 (1973) and 58 id. 744 (1979). Thus Ms. Allen may be reimbursed for travel and transportation only to the extent those expenses of reporting to her initial permanent duty assignment may be authorized under 5 U.S.C. 5723.

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Section 5723 of title 5, United States Code, provides in part:

"(a) * * * an agency may pay from its appropriations--

"(1) travel expenses of a new appointee, or a student trainee when assigned on completion of college work, to a position in the United States for which the Office of Personnel Management determines there is a manpower shortage
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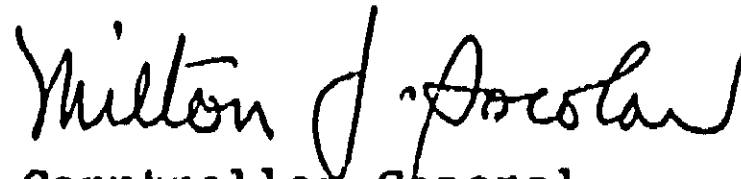
from his place of residence at the time of selection or assignment to his duty station. If the travel and transportation expenses of a student trainee were paid when he was appointed, they may not be paid when he is assigned after completion of college work. * * *

Under the before-quoted provisions, an agency may pay the travel expenses of a student trainee for the purpose of reporting to his initial assignment if the trainee position is itself a manpower shortage category position or it may pay the trainee's travel and transportation expenses upon the completion of college work incident to his assignment to a manpower shortage category position. None of those conditions are applicable to the present case. Since the file shows that Ms. Allen had not completed her undergraduate work at the time of her assignment to Los Angeles, the Department could authorize payment of her travel expenses to Los Angeles only if the GS-4 trainee position to which she was appointed had been determined to be in a manpower shortage category. While the GS-510 series of accountant and auditor positions classified at grades 5 through 9 are listed as manpower shortage positions by Appendix A to Chapter 571 of the Federal Personnel Manual, the GS-4 trainee position to which Ms. Allen was appointed was not so designated. As provided at subchapter 3-2 of

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chapter 571, a determination of shortage at a particular grade level does not automatically justify a finding of shortage at other grade levels.

Since the circumstances of Ms. Allen's assignment to Los Angeles in September 1978 are not within the scope of 5 U.S.C. 5723, there is no authority to reimburse her for the expenses she incurred in traveling to that, her first, permanent duty assignment. Because her return to San Francisco in February 1979 was for the purpose of completing her education and not for the purpose of transferring or transacting official business away from her permanent duty station, there is no authority to reimburse her for her travel from Los Angeles to the San Francisco area. Accordingly, Ms. Allen's claim for travel and transportation allowances for travel to Los Angeles, her initial permanent station, on September 24, 1978, and her return travel on February 2, 1979, is disallowed.



Acting Comptroller General
of the United States