



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Glenn A. Truglio - Claim for Relocation Income
Tax Allowance Pursuant to IPA Assignment
File: B-221065
Date: September 26, 1986

DIGEST

An employee who incurred relocation expenses as the result of an Intergovernmental Personnel Act (IPA) assignment is entitled to a relocation income tax allowance under 5 U.S.C. § 5724b (Supp. III, 1985). The IPA relocation expenses are payable under the authority of 5 U.S.C. §§ 5724 and 5724a while the income tax allowance applies to reimbursements or allowances under the same statutes. Prior decisions are distinguished.

DECISION

This is in response to a request from the Social Security Administration for a decision as to whether the relocation income tax (RIT) allowance may be paid to an employee who incurred relocation expenses as a result of an assignment under the Intergovernmental Personnel Act of 1970 (IPA). For the reasons stated below, we hold that the employee is entitled to a RIT allowance.

Pursuant to an IPA assignment, the employee, Glenn A. Truglio, was assigned from his position in the Office of Child Support Enforcement, Department of Health and Human Services, to the New Jersey Department of Citizen Services. The assignment was from January 23, 1984, through January 23, 1986, and necessitated Mr. Truglio's relocation from Mount Laurel, New Jersey, to Livingston, New Jersey. Mr. Truglio was authorized travel expenses to his new assignment, shipment of his household goods, temporary quarters, and miscellaneous expenses, and he has been reimbursed for those expenses in the amount of \$8,162.18. The issue to be decided is whether Mr. Truglio is entitled to a relocation income tax allowance to reimburse him for the income tax he paid on these relocation expense reimbursements.

The Intergovernmental Personnel Act of 1970, Pub. L. No. 91-648, 84 Stat. 1909 (1970), codified at 5 U.S.C. §§ 3371-3376 (1982), provides for the temporary assignment

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of personnel between Federal agencies and State and local governments and other organizations in situations where such an assignment would facilitate work of mutual benefit to both the Federal agency and the State or local jurisdiction concerned. See B-209132, October 3, 1983.

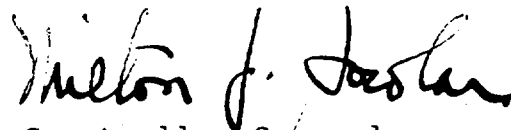
The entitlement to reimbursement for travel expenses incurred as a result of an IPA assignment is subject to section 3375 of title 5, United States Code, which provides for (1) travel expenses to and from the assignment location and per diem allowance during assignment, (2) transportation and per diem for the employee's family, (3) shipment or storage of the household goods, (4) a temporary quarters allowance, and (5) a miscellaneous expense allowance. Although the relocation income tax allowance, 5 U.S.C. § 5724b (Supp. III, 1985), is not specifically listed among the travel expenses authorized for an IPA assignment, we believe the allowance is applicable to employees who incur certain relocation expenses for which they are reimbursed in connection with an IPA assignment.

The IPA statute authorizes payment of certain travel expenses that are in fact relocation expenses authorized under 5 U.S.C. §§ 5724 and 5724a (1982). See 5 U.S.C. § 3375. The statute governing the RIT allowance provides reimbursement for Federal, State, and local income taxes incurred for any moving or storage expenses furnished in kind or for which reimbursement or an allowance is provided. 5 U.S.C. § 5724b (Supp. III, 1985). The term "moving or storage expenses" is defined in section 5724b(b) to mean travel and transportation expenses under section 5724 and other relocation expenses under sections 5724a and 5724c. Since some of the expenses Mr. Truglio incurred were payable in accordance with sections 5724 and 5724a, the RIT allowance statute by its terms applies to allowances or reimbursements for those expenses.

We note that we have previously held that if a travel or relocation expense is not specified under 5 U.S.C. § 3375, an employee assigned under the IPA may not be reimbursed for that expense. Forest Service, B-209132, October 3, 1983; Roy A. Harlan, B-198939, April 3, 1981; Burnell F. Peters, B-193443, June 7, 1979; James D. Broman, B-185810, November 16, 1976; William S. Harris, B-183283, August 5, 1975; Alan O. Mann, B-183042, April 24, 1975; and Donald B. Kornreich, B-170589, September 18, 1974. We would distinguish those prior decisions in this instance in view of the language of section 5724b which authorizes a tax allowance for expenses incurred under sections 5724 and 5724a.

Similarly, we would distinguish those prior decisions which held that an IPA assignment is not a permanent change of station and that the assignment site is considered a temporary duty station. Richard M. Morse, B-217301, June 4, 1985; Philip A. Jarmack, B-206258, June 16, 1982; Harris, cited above; and Kornreich, cited above. The language of section 5724b is not strictly limited to expenses incurred by employee incident to a permanent change of station, but rather it applies to "moving and storage expenses" authorized under sections 5724 and 5724a.

We note that the regulations prescribed by the General Services Administration (GSA) to administer the RIT allowance state that "[p]ayment of a RIT allowance is authorized for employees transferred * * * from one official station to another for permanent duty." Federal Travel Regulations, para. 2-11.2a (Supp. 14, April 1, 1985), incorp. by ref., 41 C.F.R. § 101-7.003 (1985). However, these regulations do not specifically address IPA assignments, and we have been informally advised by GSA officials that, in their opinion, the RIT allowance may be paid to employees under an IPA assignment. Therefore, to the extent an employee incurs tax liability for reimbursements or allowances payable during an IPA assignment under the authority of sections 5724 and 5724a, we conclude that the employee may be reimbursed for the RIT allowance under section 5724b.

for 
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