



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Gregory Stiles - Relocation Expenses -
Short-Distance Transfer

File: B-230365

Date: July 25, 1988

DIGEST

The National Park Service denied an employee's claim for reimbursement of relocation expenses in connection with a short-distance transfer within the Shenandoah National Park. The employee was required to vacate a government-owned house at his old duty station, which he had been required to reside in as a condition of employment. The expenses may be allowed since the employee's relocation of residence was clearly required by his official change of station, notwithstanding that the transfer occurred within the park boundaries and that the net increase in commuting distance was less than 10 miles.

DECISION

The National Park Service (NPS)^{1/} asks whether an employee's claim may be allowed for reimbursement of residence relocation expenses incurred on a short-distance move. Since the record shows that the employee's relocation was incident to a change of official station, we conclude that the claim may be allowed.

BACKGROUND

The NPS denied Mr. Gregory Stiles' claim for reimbursement of residence relocation expenses on a short-distance move when he made a change of official station from a duty station in the north district of Shenandoah National Park to park headquarters in Luray, Virginia. The agency's action was based on the premise that the difference of 6 miles in one-way commuting distance between his old residence to his old duty station (21 miles) and the distance between the old residence to his new duty station (27 miles) did not satisfy

^{1/} Regional Finance Officer, Mid-Atlantic Region, Philadelphia, Pennsylvania.

042804

a provision of the Federal Travel Regulations which requires a minimum 10-mile difference. Although the record does not disclose any other basis for the denial, we were informally advised that the agency was also uncertain whether relocation expenses could be reimbursed where the transfer occurs within the boundaries of a park.

Mr. Stiles was employed in the north district as a park ranger and he was required to reside in a government-owned house located near Front Royal, Virginia, which was 21 miles north of the district office (located on Skyline Drive) and 27 miles from his new duty station in Luray. Mr. Stiles was required to reside in the government-owned house as a condition of employment so that he could provide 24-hour protection services in the area and patrol the 21 miles of road between the house and the district office.^{2/} When Mr. Stiles transferred to park headquarters, he was required to vacate the government-owned house so that his replacement could occupy it.

DISCUSSION AND CONCLUSION

The Federal Travel Regulations (FTR) paragraph 2-1.5b(1) (Supp. 4, Aug. 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1986), provides that when a short-distance transfer is involved an agency can authorize reimbursement of residence relocation expenses only when the agency determines that the relocation is incident to a change of official station.^{3/} Relative commuting time and distance are among the factors to be considered in making the determination. Our Office consistently has held that an agency has broad discretion in applying the general criteria set forth in the regulation, and we will not overturn an agency's determination in the absence of a showing that it was clearly erroneous, arbitrary, or capricious. See Rodney T. Metzger, B-217916, Aug. 26, 1985. We understand that uncertainty over the small increase in commuting

^{2/} Mr. Stiles claims that, in view of the duties he performed, the government-owned house could be considered as his old duty station; adopting that view, the difference in commuting distance would exceed the 10-mile criterion. However, we have not addressed that issue in view of our disposition of this case.

^{3/} The payment of travel, transportation, and relocation expenses of transferred employees is authorized under 5 U.S.C. §§ 5724 and 5724a (1982), as implemented by the FTR.

distance (under 10 miles) and the intra-park nature of the transfer led the agency to deny the claim.

Generally, the 10-mile criterion contained in FTR para. 2-1.5b(1) provides a sound basis for a determination that a relocation was or was not incident to a transfer; however, we have stated that the 10-mile criterion is not an inflexible benchmark. See John W. Lacey, B-228768, Mar. 14, 1988, 67 Comp. Gen. _____, and Rodney T. Metzger, B-217916, supra.

Unlike the usual situation where the employee changes residences for personal convenience, Mr. Stiles was required to reside in the government-owned house while performing duties at his old duty station. Since he was required to vacate the government-owned house when he was transferred from the north district to park headquarters, he had to relocate his residence because of the transfer. Under these circumstances, the difference of less than 10 miles in commuting distance does not preclude reimbursement because the relocation of residence clearly was incident to, and, in fact, required by, the employee's change of official station.

Although Mr. Stiles remained in the employment of the Shenandoah National Park and both duty stations were located within the park boundaries, the NPS report states that the move did involve a change of official station. The map supplied by NPS shows that the park headquarters is located some distance away from the north district office. The agency considers them to be different official stations. Compare Frederick C. Welch, 62 Comp. Gen. 80 (1982) (Forest Service employee authorized per diem while on temporary duty within the same national forest as his permanent duty station).

Accordingly, the claim may be allowed.



Acting Comptroller General
of the United States