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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Jean Jacobson
File: B-236651
Date: February 12, 1990

DECISION

The issue in this decision is whether an employee is entitled to reimbursement for relocation expenses under the circumstances of her change of duty station.^{1/} For the reasons stated below, we conclude that the employee's relocation must be characterized as being primarily for her own convenience or benefit. Therefore, she is not entitled to reimbursement for her relocation expenses.

In 1987, Ms. Jean Jacobson, who was employed in the Omaha, Nebraska, branch office of the Social Security Administration, informed her agency of her intention to resign her position in order to accompany her husband to Grand Island, Nebraska, where he had accepted new employment. Upon learning of her intentions, Ms. Jacobson's manager discussed with her the possibility of continuing her employment in the district office in Grand Island. Since Ms. Jacobson was not able to work full-time, she was offered a part-time position as a claims representative in the Grand Island office which she accepted.

An employee is entitled to relocation expenses only if the agency determines that the transfer is in the interest of the government and not primarily for the benefit of the employee. 5 U.S.C. §§ 5724(a) and (h) (1988); Federal Travel Regulations (FTR), para. 2-1.3 (Supp. 1, Sept. 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1987). Under FTR para. 2-1.3, agencies have the responsibility for determining whether a particular transfer is in the interest of the government or is primarily for the convenience or benefit of the employee. Agencies have broad discretion in making that determination, and where an agency acts under

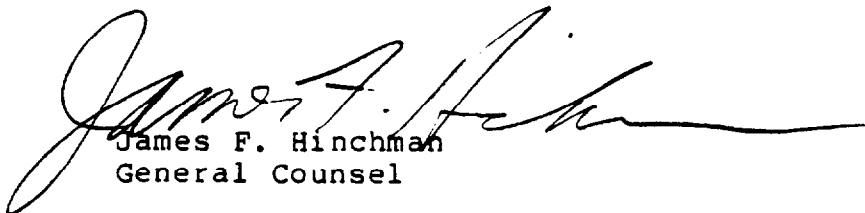
^{1/} This responds to a request from Bette A. Mumpower, Director, Division of Finance, Office of the Regional Director, Region VII, Department of Health and Human Services, Kansas City, Missouri.

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this authority, we will not disturb its determination unless it is clearly erroneous, arbitrary, or capricious. Josef D. Prall, B-191482, Nov. 7, 1978; Norman C. Girard, B-199943, Aug. 4, 1981; Anna and Jeffrey Pitts, B-217489, Aug. 29, 1985.

Under the circumstances of this case, the agency State Director decided that Ms. Jacobson's transfer was primarily for her convenience or benefit. This determination was subsequently endorsed by the Director, Office of Financial Policy, Office of the Secretary, Department of Health and Human Services. It is also clear from the record that Ms. Jacobson was going to relocate to Grand Island, Nebraska, regardless of the potential for continued employment there, as she had already announced her intention to resign and had put her house up for sale before the opportunity for employment in Grand Island was discussed with her at her agency's initiative. Further, the payment of relocation expenses was neither requested nor offered at the time of her transfer. Thus, we cannot say that the agency's decision in this case was arbitrary, capricious or clearly erroneous, so as to disturb the denial of relocation expenses in connection with Ms. Jacobson's transfer.

Finally, the employee cites to our decision in Patsy R. Newton, B-198398, Oct. 17, 1980, in support of her claim for relocation expenses. However, our decision in Newton is distinguishable since in that case the appropriate agency official determined that the employee's transfer was in the interest of the government.


James F. Hinchman
General Counsel