Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Lavern F. Bass

File: B-262143

Date: April 22, 1996

DIGEST

The status of a divorced employee's child depends on the facts of the individual case and the intent demonstrated by the parents. The child of a divorced employee, who was living with the non-employee parent at the time the employee transferred to a new duty station, may be considered part of the employee's household for relocation purposes because the facts show that the child would have relocated with the employee parent but for the need to have the child finish the school year.

DECISION

An agency questions whether an employee who was authorized a permanent change-of-station transfer may be reimbursed the transportation expenses incurred by his 17-year-old son, who delayed travel to the employee's new duty station for 5 months to finish the school year. When the employee reported to his new duty station, the son still was living with his mother and the employee was paying her child support. However, before reporting to his new duty station, the agency issued travel orders that included the son as a dependent and authorizing the son's delayed travel. The employee's ex-wife, who had legal custody of the son, agreed to transfer custody to the employee and the son's household goods were shipped with his father's.

The legal issue is whether the son may be considered a member of the employee's "household" at the time the employee reported for duty at the new station, even though the son was not living with the father at the time. See Federal Travel Regulation (FTR) 41 C.F.R. § 302-1.4(f) (1995). We have held that people may be members of an employee's household, even though they are not living under the same roof. 48 Comp. Gen. 457 (1969). See also Ralph L. Noyes, B-238369, June 4, 1990, and Ernest P. Gianotti, 59 Comp. Gen. 450 (1980). The status of an employee's child depends on the facts of the individual case the intent demonstrated by the parents. B-208874, Nov. 16, 1982.

Here, the parents demonstrated their intent to include their son in his father's household before the transfer. The son simply delayed travel to finish the school

year, which, by itself, would not justify denying the employee reimbursement for the son's travel expenses. Accordingly, the claim may be paid.

/s/Seymour Efros
for Robert P. Murphy
General Counsel