Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: William Archilla

File: B-271204

Date: July 2, 1996

DIGEST

A new appointee to a manpower shortage category position from the private sector, who was issued travel orders erroneously authorizing full permanent change-of-station allowances, may only be reimbursed for personal travel per diem, transportation for self and family, and shipment of household goods. 5 U.S.C. § 5723 (1996). Submission of this claim to the Congress under the Meritorious Claims Act, 31 U.S.C. § 3702(d) (1996) is not appropriate.

DECISION

This decision responds to a request from the Chief, Travel Division, Defense Finance and Accounting Service, Department of Defense[1] concerning the entitlement of a newly appointed employee to be reimbursed full relocation expenses. If not reimbursable, the question raised is whether the employee's situation meets the standards for relief under the Meritorious Claims Act. We conclude that full relocation expenses may not be allowed and that it would be inappropriate to submit the matter to the Congress for relief as a meritorious claim, for the following reasons.

BACKGROUND

Mr. William Archilla, who was employed in the private sector and residing in Columbus, Georgia, applied for and was appointed to a manpower shortage category position with the Defense Contract Management Command International (DCMCI) in Homestead, Florida. Although the appointment was his initial federal position, Mr. Archilla was authorized full permanent change-of-station allowances as though he was a federal employee being transferred from one permanent duty station to another for permanent duty.

Mr. Archilla reported for duty on November 19, 1995, and remained in temporary quarters until December 1, 1995, when he moved into permanent quarters. He

[1]Mr. G. A. Terrill - Reference DFAS-CO-LTP.

thereafter submitted a travel voucher for travel expenses for two privately owned vehicles to transport himself and his family from Columbus, Georgia, to Homestead, Florida; per diem for himself and his family for the trip; a miscellaneous expense allowance; the cost of a medical exam for his daughter that was required for registration in the local school system; and subsistence expenses while in temporary quarters for 1 or 2 days before leaving Columbus, Georgia, and the approximately 11 day period after he reported for duty in Homestead, Florida. No claim was made for real estate transactions on that voucher since the employee had not completed the sale and purchase of residences. His voucher claim totaled $2,883.96, of which the agency paid en route per diem for the employee ($79.00), mileage for him and his family ($205.44), and tolls ($31.80).

The agency states that Mr. Archilla was informed after he submitted his travel voucher that the travel authorization issued to him was erroneous, in that it authorized full relocation expenses rather than the limited benefits available for a first duty station assignment. Mr. Archilla, requests that the matter be submitted for relief under the Meritorious Claims Act, arguing that the expenses incurred by him were reasonable and were incurred in good faith reliance on the information given.

OPINION

As a new appointee to a manpower shortage category position, Mr. Archilla's relocation expenses were authorized under 5 U.S.C. § 5723 (1996) which provides that such an appointee may be reimbursed travel per diem for himself, the travel and transportation expenses for himself and his immediate family, and the expense of moving household goods and other personal effects, from the place of residence at the time of selection to the first permanent duty station. Section 5723 does not allow reimbursement for temporary quarters subsistence expenses, real estate expenses, or miscellaneous expenses. Those expense reimbursements are authorized only for federal employees who are being transferred from one official duty station or agency to another for permanent duty.[2]

As a new appointee in a manpower shortage category position, Mr. Anchilla was correctly reimbursed for his and his family's travel to Homestead, Florida. Absent any claim for shipment of their household goods, he has received all the reimbursement to which he is legally entitled under 5 U.S.C. § 5723 (1996), and the agency's action disallowing the other claimed expenses is correct.

Regarding the request that we submit the matter to the Congress as a meritorious claim under 31 U.S.C. § 3702(d) (1996), it is not the purpose of those provisions to

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[2]5 U.S.C. §§ 5724 and 5724a (1996).

provide for payment simply because expenses are incurred pursuant to an erroneous authorization. There must be a direct causal relationship between an agency error and the incurrance of expenses that the employee would not have otherwise incurred.[3] There is nothing of record to suggest that the expectation of reimbursement for the expenses in question, i.e., travel per diem for his family and lodging and meal expenses for himself and his family in Homestead, Florida, pending occupancy of permanent quarters, influenced his decision to accept employment in the first instance. Therefore, we do not believe that the circumstances here are sufficiently compelling to invoke the provisions of the Meritorious Claims Act.[4]

Robert P. Murphy
General Counsel

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[3]David S. Shafer, 70 Comp. Gen. 717 (1991), citing to John H. Teele, 65 Comp. Gen. 679 (1991).

[4]Thomas G. Croymans, B-245203, June 15, 1992, and decisions cited.