



Comptroller General  
of the United States

Washington, D.C. 20548

B-246004

March 23, 1992

The Honorable Dan Quayle  
President of the Senate

Dear Mr. President:

Pursuant to 31 U.S.C. § 3702(d) (1988), we have the honor to transmit our report and recommendation to the Congress concerning the claim of Mr. \_\_\_\_\_ to be reimbursed full relocation expenses as though he had been an employee of the federal government transferred in the interest of the government from one duty station to another for permanent duty.

In essence, this claim involves a person living in Richmond, Virginia, who accepted a job offer from the United States Department of Education for a manpower shortage category position in Washington, D.C. He was provided erroneous information by agency officials regarding his relocation expense entitlements which was reiterated in his travel authorization. Based on those representations, he accepted the position in good faith and incurred significant travel expenses, which, but for the fact he was a new employee, would have been reimbursed. For the reasons stated in our enclosed report, we believe the claim deserves the favorable consideration of the Congress.

An identical report is being transmitted to the Speaker of the House of Representatives.

Sincerely yours,

*for*   
Comptroller General  
of the United States

Enclosure



**Comptroller General  
of the United States**

**Washington, D.C. 20548**

B-246004

March 23, 1992

The Honorable Thomas S. Foley  
Speaker of the House of Representatives

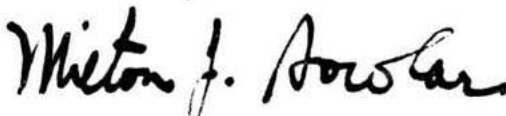
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Sincerely yours,

*for*   
Comptroller General  
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Enclosure



Comptroller General  
of the United States

Washington, D.C. 20548

B-246004

March 23, 1992

The Honorable James B. Thomas, Jr.  
Inspector General  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1510

Dear General Thomas:

We refer to your letters dated September 30 and October 16, 1991, concerning the claim of Mr. .

This is to advise you that we have submitted Mr. relocation expenses claim to the Congress as a meritorious claim pursuant to 31 U.S.C. § 3702(d). We are enclosing copies of our letters and report to the Congress for your information.

Sincerely yours,

*for*   
Comptroller General  
of the United States

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Comptroller General  
of the United States

Washington, D.C. 20548

B-246004

March 23, 1992

To the Congress of the United States

Pursuant to 31 U.S.C. § 3702(d) (1988), we submit the following report on the claim of Mr. [redacted] a resident of Richmond, Virginia, who was appointed to a manpower shortage position with the United States Department of Education for duty in Washington, D.C. Mr. [redacted] was erroneously advised by agency personnel that the agency would pay all of his travel and relocation expenses in connection with his appointment. That erroneous information was reiterated in the travel authorization issued to him. Mr. [redacted] accepted the position with the expectation that he would receive full reimbursement for his expenses.

After Mr. [redacted] reported for duty and had already incurred over \$6,000 in partial relocation expenses, the agency learned that since he was a new hire and not a transferred employee the types of expenses which could be reimbursed were limited. The agency reports that Mr. [redacted] total estimated expenses are approximately \$19,000.

As a manpower shortage category appointee, Mr. [redacted] entitlement to relocation expenses are limited by 5 U.S.C. § 5723 (1988) and the Federal Travel Regulations, 41 C.F.R. Chapter 302, as amended by Amendment 17, May 23, 1991, 56 Fed. Reg. 23653, to travel and transportation expenses and movement of household goods. Section 5723 does not allow reimbursement for temporary quarters subsistence expenses, real estate transaction expenses, or a miscellaneous expense allowance. Accordingly, we have no authority to permit Mr. [redacted] to be reimbursed those expenses.

Based on the foregoing facts, we believe that this claim deserves the consideration of Congress as a meritorious claim. Mr. [redacted] acted in good faith reliance on the erroneous representations of agency officials and the travel authorization issued to him contained erroneous information consistent with those representations. See [redacted], 65 Comp. Gen. 679 (1986).

Provided the Congress concurs with our recommendation on this claim, we believe that enactment of a statute in substantially the following language will accomplish the relief recommended:

"Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, that \_\_\_\_\_ is deemed to be an employee transferred by the United States Department of Education from one official station to another for permanent duty in the interest of the government without a break in service incident to travel performed from Richmond, Virginia, to Washington, D.C., in April 1991, for the purpose of permitting reimbursement of relocation expenses authorized by 5 U.S.C. § 5724 and § 5724a, incurred by him incident to that travel."

*for*   
Comptroller General  
of the United States

Enclosures