



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Judith A. Moffit - Tour Renewal Agreement Travel
File: B-234993
Date: October 5, 1989

DIGEST

An employee stationed in Alaska who served only 17 months of a 24-month service agreement is not eligible for tour renewal agreement travel under 5 U.S.C. § 5728 (1982) and may not be reimbursed for travel performed at personal expense.

DECISION

This decision is in response to a request from the Forest Service, Department of Agriculture, concerning the entitlement of an employee and her family to reimbursement for travel as overseas tour renewal agreement travel under 5 U.S.C. § 5728 (1982). For the reasons that follow, we conclude that the employee may not be reimbursed for such travel.

The employee, Ms. Judith A. Moffit, transferred to Sitka, Alaska, on October 11, 1983, and signed a 2-year service agreement in accordance with Forest Service policy. Although her service period was completed on October 10, 1985, she continued working under that agreement and did not execute a 2-year tour renewal agreement until December 1, 1986. In January 1987, Ms. Moffit took her vacation leave and tour renewal agreement travel.

In June 1988, after Ms. Moffit had completed approximately 17 months of her second 2-year tour of duty in Alaska, she submitted a new tour renewal agreement and requested that she be permitted to take a second vacation trip at government expense in July 1988. The agency refused to accept that tour renewal agreement or approve her request. Ms. Moffit and her family performed round-trip travel at personal expense in the latter half of 1988, and she requested reimbursement claiming that the trip constituted a second tour renewal trip.

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OPINION

Tour renewal travel for federal employees stationed outside the continental United States is authorized by 5 U.S.C. § 5728 (1982). Subsection 5728(a) provides that upon satisfactory completion of an agreed period of service and execution of a new written agreement to serve another prescribed tour of duty at the same or another overseas location, an employee and immediate family may take round-trip vacation leave at government expense between tours of duty.

In September 1982, section 5728 was amended to limit the number of tour renewal agreement trips for employees stationed in Alaska or Hawaii to not more than two round trips commencing within 5 years after the employee reports for duty. 5 U.S.C. § 5728(c)(3) (1982).^{1/} Since Ms. Moffit's initial period of consecutive tours of duty in Alaska began on October 11, 1983, the limitations in 5 U.S.C. § 5728(c)(3) applied to her situation. Dean Littlepage, B-227464, Apr. 14, 1988.

The agency contends that Ms. Moffit may not be reimbursed for her travel since she did not satisfactorily complete her second 2-year tour of duty. We agree with the agency's determination that Ms. Moffit had not satisfied the requirements of her agreement with the Forest Service in July 1988 and would not be eligible for tour renewal agreement travel until completion of her 2-year period of service under the tour renewal agreement. Miguel Caban, 63 Comp. Gen. 563 (1984). In addition, we note that her second 2-year tour ended in January 1989, which was beyond the 5-year statutory period for tour renewal agreement travel.

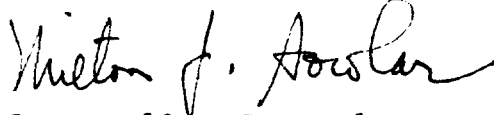
Finally, we note that under the regulations implementing the 5-year limitation on tour renewal agreement travel from duty stations in Alaska and Hawaii, employees "shall be advised in writing of this limitation."^{2/} Ms. Moffit argues that she was not so informed and that therefore she was entitled to reimbursement for her travel. We disagree since the

^{1/} See Federal Travel Regulations (FTR), para. 2-1.5h(1)(c) (Supp. 7, July 15, 1983), incorp. by ref., 41 C.F.R. § 101-7.003 (1984). See also Wuscher, Rosen and Luizzi, B-225013, Oct. 28, 1987.

^{2/} FTR, para. 2-1.5h(1)(c)(ii).

denial of reimbursement was based not on the 5-year limitation but on the failure to satisfactorily complete her 2-year tour of duty.

Accordingly, Ms. Moffit's claim for travel may not be allowed.

for 
Comptroller General
of the United States