

COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON 25

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The Honorable,

The Secretary of Agriculture.

My dear Mr. Secretary:

I have your letter of July 14, 1945, in which reference is made to a decision of March 14, 1944, <sup>B-40264 ✓</sup> involving the travel accounts of a rural supervisor of the Farm Security Administration, Mrs. Jean D. Harrison, in connection with which further consideration is requested in the light of additional facts now set forth.

The decision referred to involved the legality of the designation of Jacksonville, North Carolina, as the official headquarters of Mrs. Harrison for per diem purposes, and it was therein concluded, upon the facts then stated, that dual headquarters had been established at Jacksonville and at a nearby county seat, Beaufort, North Carolina, in view of which per diem properly could not be authorized for time spent at either place. In your present letter it is indicated that the same principle is involved in a considerable number of like cases, and the following background is stated therein as the basis for reconsideration of the conclusion reached:

"Administrative funds for the Farm Security Administration having been reduced beginning July 1, 1943, it was necessary to eliminate a large number of its county offices. Prior to September, 1943, a county office of the Farm Security Administration was maintained at Beaufort, Carteret County, North Carolina. There was also maintained a county office at Jacksonville, Onslow County, North Carolina. The office at Beaufort was selected for elimination and

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its files, records and equipment were transferred to the office at Jacksonville. The clerical staff at Beaufort was abolished and provision made for all clerical work henceforth to be done at Jacksonville. The Farm Security Administration field work at Carteret County was placed under the administrative jurisdiction of the rural supervisor at Jacksonville. These counties are adjacent, Carteret County being to the east of Onslow County. In order that the rural supervisor in charge of the entire territory might have Mrs. Morrison so located that he could properly direct and instruct her, and so that she could be provided with the necessary clerical assistance, which was thereupon available only at Jacksonville, Mrs. Morrison was transferred from Beaufort to Jacksonville. Her annual Letter of Authorization to travel on official business was amended on August 27, 1943, to show Jacksonville as her official headquarters.

"The vouchers show that a part of Mrs. Morrison's time was spent in the Jacksonville office, which was for the purposes stated, but the greater part of her time was spent in Carteret County, she having been ordered by the rural supervisor at Jacksonville to continue to render the customary Farm Security Administration service to the borrowers in Carteret County with whom it had been her duty to deal. At various times these borrowers transacted official business with Mrs. Morrison in Beaufort, a point to which they had become accustomed to come to make repayments on their loans and for related purposes. While there, she issued them receipts for the money received and gave advice and assistance to borrowers in line with her usual practice. It would have been both difficult and inadvisable for the Farm Security Administration to have attempted to change that point of contact with these borrowers notwithstanding the unavoidable elimination of office facilities at that point. The work performed at Beaufort from that time forward by Mrs. Morrison was no different than it would have been had she been a new appointee who had never been stationed officially at Beaufort, except that it was preferable to continue her on the work with the Carteret County clients because of her familiarity with the people and the territory. Any other employee with headquarters at Jacksonville assigned to the same duties as Mrs. Morrison would have been required to have spent like time, if not more, officially at Beaufort and with itineraries either no different or at no greater expense to the Government.

"Regional directors are authorized to take action necessary to fix or change properly the official headquarters of rural supervisors and other employees in their respective regions. The regional director having jurisdiction over these counties, after taking all these factors into consideration, administratively determined that Mrs. Morrison's headquarters should be changed to Jacksonville, which, in the judgment of this Department, was a proper administrative determination.

"In attempting to discharge the administrative responsibility of fixing an 'official headquarters,' it would seem that the statutes do not contemplate ordinarily a designation of more than one point for such headquarters for an employee, but it well established that the official having the administrative authority and duty must specify an official headquarters for every employee. Although here only two counties are involved, the Farm Security Administration has often found it necessary to have three or more counties under a single headquarters. In these instances, certain employees, to a greater or less extent, have been required to serve in three or more counties and to divide their time among them, in each of which there is a central point of contact with borrowers, which likewise is usually the county seat. Conceivably, there may arise situations requiring fully as clear a division of duties among specified locations as in the present case, which, to be consistent, might require the fixing of triple or quadruple headquarters, if this decision is to stand as constituting dual headquarters."

It is believed to be evident, particularly from what now is stated, that the administrative determination to transfer Mrs. Harrison's headquarters from Beaufort to Jacksonville was made upon considerations other than those primarily for consideration in the fixing of headquarters for travel and per diem purposes. That is to say, the emphasis appears to have been upon the factors that the principal headquarters of the immediate organization to which she reported could function more effectively at Jacksonville and that it would be at such point that Mrs. Harrison would report from time to time and receive instructions and clerical assistance. Of course, these considerations are purely administrative and are not here questioned, but it is suggested the headquarters or post of duty of an individual for travel and per diem purposes is not necessarily the same as the location of the headquarters of an activity for administrative or functional purposes.

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The post of duty of an employee is required by regulation to be the place at which the employee actually is stationed; and, under rulings of many years standing, such post of duty is the place where the employee expects, and is expected, indefinitely to spend the greater part of his time--where, normally, his residence would be established and there would be no going subsistence expenses to be incurred or to be reimbursed through the medium of a per diem. Whether such point be different from the principal headquarters of his division or activity is not material, since the considerations involved in connection with fixing the individual's post of duty are those peculiar to the employee's personal and physical area of operations. Thus, it may be entirely appropriate for an employee who reports a day or two each week, or stays a week out of each month, at the division headquarters of his activity to receive a per diem while at such point, since he is away from home--his factual headquarters--and must incur extra subsistence expenses and, in consequence, that point reasonably is not his individual post of duty.

Upon the facts heretofore reported and now further detailed, it may be found that the status of supervisors such as Mrs. Morrison is so to be described--it being noted that most or the greater part of her time continued to be spent at Beaufort and vicinity, notwithstanding her headquarters had nominally been transferred to a different point. If so, the solution to the difficulties suggested would seem to be to reconsider the administrative designation of

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Jacksonville as her headquarters, since the facts suggest that the employee's real station in relation to her own duty assignment (and her living arrangements necessarily determined thereby) require the conclusion that her post of duty remained in Seafort, as before. In other words, the suggestion is made that, in cases such as that of Mrs. Harrison, the headquarters or post of duty of an employee should be named as that point where the greater part of his work requires him to be (whether or not such point be the division headquarters of his activity). After such determination is made, there should arise no difficulty with reference to the payment of per diem while the employee is away from there, even while at the division headquarters.

Respectfully,

Comptroller General  
of the United States.