

PLM-1

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

10,952

FILE: B-194447

DATE: August 7, 1979

MATTER OF: William H. Buchenhorst - [Travel expenses and erroneous transfer]

DIGEST: Civil Service Commission restored employee to position at old duty station because defective reduction-in-force procedures had led to employee's transfer to new duty station. But Commission's action did not convert new duty station from permanent to temporary status. Consequently, employee is not entitled to travel expenses at new duty station.

This decision responds to the appeal of Mr. William H. Buchenhorst, who as an employee of the General Services Administration (GSA) claims travel expenses because of an unjustified change of his permanent duty station. The claim was denied by our Claims Division's Settlement Certificate No. Z-2773305, May 1, 1978.

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The issue is whether Mr. Buchenhorst is entitled to travel expenses for work at the (permanent duty station to which, according to the Civil Service Commission, (he had been improperly transferred because of his agency's failure to follow reduction-in-force (RIF) procedures.) *When his claim was denied, the employee appealed.*

Mr. Buchenhorst's position of Personnel Management Specialist at GSA's Region 3 office in the Philadelphia, Pennsylvania, area was abolished, and Mr. Buchenhorst was notified on November 4, 1976, that he would be subject to a RIF effective December 7, 1976. The reason given was the reorganization of Region 3's Personnel Division and transfer of a part of its function to Washington, D.C. Because of the RIF he accepted an offer of a transfer to Washington, D.C., as a Employee Relations Specialist, effective December 7, 1976. He reported for duty in Washington, D.C., on January 5, 1977. He maintained his family residence in Mickleton, New Jersey, while working in Washington, and he frequently commuted to Mickleton from Washington. On August 11, 1977, he was restored to his former position in Philadelphia retroactive to December 7, 1976, because the Civil Service Commission determined that Region 3 had failed to follow transfer of function procedures in connection with the RIF.

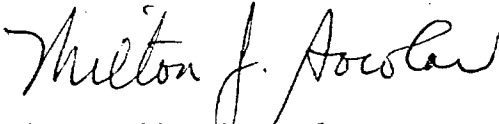
There is no doubt that GSA intended that Washington, D.C., be Mr. Buchenhorst's new permanent duty station at the time of his

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transfer. He continued working in Washington for approximately 8 months, and clearly during this time it was considered his workplace for an indefinite, rather than temporary period. In similar circumstances, we have held that the later-determined illegality of the personnel action resulting in a transfer did not result in converting the new duty station from a permanent to temporary status for the purpose of entitlement to travel expenses. See Jimmy Morris, B-188358, August 10, 1977, and Marie R. Streeter, B-191056, June 5, 1978.

Accordingly, our Claims Division's settlement denying Mr. Buchenhorst's claim is sustained.


For the Comptroller General
of the United States