



United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

B-260471

February 29, 1996

Mr. Craig Keller
Comptroller
National Transportation Safety Board
Washington, DC 20594

Dear Mr. Keller:

This further replies to your letter of February 10, 1995, inquiring whether the National Transportation Safety Board (NTSB) has the authority to pay the expenses for temporary quarters of Robert T. Francis II, appointed Vice Chairman of NTSB on January 1, 1995.

You report that Mr. Francis was an employee of the Federal Aviation Administration whose duty station was in Paris, France, when he was appointed by the President to the NTSB. The Administration paid the travel and transportation expenses to return Mr. Francis's family to the United States from Paris, as required by the service agreement Mr. Francis had with the Administration. However, the Administration has declined to pay any additional relocation expenses, such as expenses for temporary quarters. You inquire whether NTSB may pay the expenses for temporary quarters Mr. Francis and his family necessarily incurred during January and February 1995 when they returned from Paris and he reported to his new duty station in Washington, DC, incident to his appointment to NTSB.

A change of duty station from one department or branch of government to another which involves a presidential appointment may be regarded as a transfer, as long as the usual statutory and regulatory requirements of a transfer are observed. 34 Comp. Gen. 204 (1954). These requirements include, for example, that the transfer was effected without a break in service, that a 12-month service agreement was executed (or 12 months of service with NTSB have been completed), and that an official determination was made of the necessity for occupancy of temporary quarters. Thus, assuming that NTSB observed the usual statutory and regulatory requirements of transferring Mr. Francis, it does have authority to pay his expenses for temporary

quarters, as provided for by 5 U.S.C. § 5724a(a)(3), and the Federal Travel Regulation, 41 C.F.R. Part 302-5. See Thomas D. Mulder, 65 Comp. Gen. 900 (1986), copy enclosed.

Sincerely yours,

/s/Seymour Efros
for Robert P. Murphy
General Counsel

Enclosure

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DIGEST

As long as an agency observes the usual statutory and regulatory requirements for a transfer, it may pay the expenses for temporary quarters authorized under 5 U.S.C. § 5724a(a)(3) and 41 C.F.R. Part 302-5 incident to a change of duty station from one department or branch of government to another which involves a presidential appointment.