

OGC Has Reviewed

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OGC

15 August 1949

Assistant General Counsel

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1. Reference is made to your memorandum to this office, dated 27 June 1949, concerning the above subject. The chronological history of [redacted] previous addresses appears in your memorandum. You request an opinion as to whether or not he is entitled to receive travel expenses to Washington, D. C. and per diem while here in training status, and further, if he is entitled to traveling expenses, from what point may such expenses be paid.

2. Although it does not appear in the memorandum, it is our understanding that [redacted] is recorded as having entered on duty on 2 June 1949 and at that time was in New Haven for purposes of completing his education. We also understand that Stear left New Haven immediately and proceeded to Angola, Indiana, subsequently reporting in Washington for duty on 12 June 1949.

3. Section 103.607 of the Foreign Service Regulations provides where an employee enters on duty in the United States and is assigned to his first post that the authorized expenses shall be held to include travel expenses and per diem of the employee and his family and transportation of his effects from the place or places of residence at the time of appointment or, if specifically authorized or approved from any other place, to the post of assignment. Section 103.616 of the Foreign Service Regulations provides for certain elective alternatives for the traveler. However, payment of expenses is limited to the travel expenses and per diem which would have been involved in direct travel between the points specified in the travel authorization. The same limitation applies in connection with transportation of effects. One of the alternatives is in connection with appointment. The traveler may commence his travel at any place and travel of his family, and the transportation of his effects may commence and terminate at any place, subject to the above restrictions as to expenses.

4. Upon reviewing the facts presented in this case, we feel that the fact that [redacted] legal address was listed as Rockville, Maryland is not determinative in connection with the reimbursement of expenses to which he might be entitled. Since [redacted] at the time of his entrance on duty, was physically present in New Haven and had been there for approximately nine months, we can see no legal objection to payment of his travel expenses from New Haven to Washington, D. C. The travel expenses, of course, would include per diem paid in Washington while in training or awaiting transportation to his permanent overseas post of duty. It is assumed, for the purposes of the above opinion, that a proper travel authorization has been signed which would authorize payment of such expenses from New Haven to [redacted] with TDY in Washington en route.

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5. It is hoped that the above will answer your questions in this particular case. However, it appears to this office that there should be for consideration the question of an entrance on duty date and determination of residence which would prevent possible embarrassment at a later date. In some instances the prospective employee would desire to have a few days at his former home. In such cases it may be deemed to the best interests of the Government not to order him on duty or request his departure to Washington until the employee has reached such place or such place may be determined as his place of residence. While the problem in its initial stages does not appear to be strictly a legal problem, the determination in advance of the benefits or possible payments flowing from an entrance on duty at a particular point or a determination of place of residence would be helpful in preventing at a later date inquiries of a legal nature, e.g., amending travel authorizations and deciding amounts of allowable travel and transportation expenses.

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