

ACTUAL PLACE OF RESIDENCE DETERMINATION*(see Privacy Act Statement on Page 3)*

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Paperwork Reduction Act Statement - This information collection meets the requirements of 44 U.S.C. § 3507, as amended by section 2 of the Paperwork Reduction Act of 1995. You do not need to answer these questions unless we display a valid Office of Management and Budget (OMB) control number. The OMB control number for this collection is 3090-XXXX. We estimate that it will take 1 hour to read the instructions, gather the facts, and answer the questions. Send only comments relating to our time estimate, including suggestions for reducing this burden, or any other aspects of this collection of information to: General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street, NW, Washington, DC 20405

Section A - Cover Sheet

Name of Candidate

First Name: _____ Middle Initial: _____ Last Name: _____

BACKGROUND. An employee's "actual place of residence in the U.S.," as determined by an appointing agency, is a statutory requirement that determines eligibility for "permanent change of station" (PCS) relocation costs under the United States Code (USC) at (5 U.S.C. §§ 5722 and 5724(d)) under the Administrative Expenses Act of 1946 and home leave travel cost reimbursement (also known as "renewal agreement travel," 5 U.S.C. § 5728) under the Home Leave Act of 1954.

Note: This residency determination form can also be used to determine eligibility for: (a) the 45-day annual leave accrual authority (5 U.S.C. § 6304(b)), from the Annual and Sick Leave Act of 1951, (b) home leave (5 U.S.C. § 6305(a)) and (c) living quarters allowance (5 U.S.C. § 5923(a)(2)), both from the Overseas Allowances Act of 1960.

Under [GSA Order 5730.1](#), usually the "actual place of residence" is the principal, actual dwelling place in fact, without regard to intent, at the time of selection for appointment or transfer. (See 8 U.S.C. § 1101(a)(33)). This rule is used for candidates who are selected while residing within the U.S.

For candidates residing in the U.S. at the time of appointment or transfer, the actual place of residence is [Worksheet Not Required]:

City: _____ State (Postal Abbreviation): _____

For Department of Defense candidates residing in a foreign area at the time of selection by transfer, the actual place of residence determination is made as follows:

For employees selected from the Department of Defense (DoD), use the "Actual Residence at Time of Appointment," Line Item G, of DoD Form 1617, Transfer of Civilian Employees Outside of the Contiguous United States (CONUS). Under GSA longstanding travel policy per the Code of Federal Regulations (CFR) (i.e., former 41 C.F.R. § 302-1.12(c)(3)(iii), 1997 edition) this is considered a continuous designation unless this designation was in error or later circumstances entitle a different determination. The residence listed on the DoD Form 1617 is **[Worksheet Not Required]**:

City: _____ State (Postal Abbreviation): _____

When Worksheet Required:

For candidates from DoD residing in a foreign area at the time of selection by transfer, who do not have the DoD Form 1617 available, as well as candidates from other federal agencies (e.g., Commerce Department, State Department, United States Agency for International Development (USAID), GSA must make an administrative determination of the actual place of residence. Use this form's worksheet to determine the most appropriate actual place of residence.

The generally recognized test for the "actual place of residence" test within GSA and other agencies is based upon the Comptroller General Opinions, *Rafael Arroyo*, B-197205, May 16, 1980, B-157548, 45 Comp. Gen. 136 (1965), and B-140748, 39 Comp. Gen. 337 (1959). These administrative law decisions require the employing office, at the time of appointment or transfer, to determine (and then document) the "actual place of residence" by consideration of the following categories of evidence:

- (1) Physical residence (i.e., actual dwelling place of fact, regardless of intent, under 8 U.S.C. § 1101(a)(33)) discussed above) at the time of selection;
- (2) Residence provided in agency records;
- (3) Residence according to employment history;
- (4) Individual or family association with an area;
- (5) Exercising the privileges and duties of citizenship, such as: voting or paying state income or property taxes; and
- (6) Place of birth, education, and marriage.

Based on evaluation of all the above facts and documents available, and following completion of the worksheet below, the employee's "actual place of residence" is:

Country (U.S. or Foreign): _____

City: _____ State (If U.S.): _____

Name of Human Resources Specialist: _____

Signature (Human Resources Specialist): _____

Date: _____

Section B - Actual Place of Residence Worksheet

Based on Rafael Arroyo, Comptroller General decision B-197205 (1980), and other administrative law sources. Consider the preponderance of the evidence (from below) if there are multiple possible places of residence.

Name of Candidate

First Name: _____ Middle Initial: _____ Last Name: _____

Current Physical Residence at Time of Appointment or Transfer

August 24, 1955, B-124663, 35 Comp. Gen. 101; B-122796, November 4, 1955, 35 Comp. Gen. 270

Country (U.S. or Foreign): _____

City: _____ State (If U.S.): _____

Can this residence be considered temporary and only incident to the performance of Government duties? If Yes, disregard this factor (45 Comp. Gen. 136):

Yes No

Note: If the current location is a foreign county, be aware that the appointee may not be eligible for foreign allowances and benefits. The 45-day annual leave accrual, home leave, renewal agreement travel, and living quarters allowance authorities all require current residents of foreign countries to have that foreign residence only temporarily, pursuant only to continuous U.S. Government employment, and supported by a documented transportation agreement (such as DoD Form 1617) that stipulates eventual return transportation to an annotated place of actual residence in the U.S. While B-122796, November 4, 1955, 35 Comp. Gen. 270 permits GSA to provide reciprocity to job candidates appointed by transfer from other agencies, in certain circumstances, such appointees are instead foreign "local" hires, meaning, they lack sufficient jurisdictional connections to the United States and are unable to satisfy the eligibility requirements of those authorities (i.e. continuous U.S. employment overseas pursuant to a documented transportation agreement). In situations where a documented transportation agreement was known to exist, and has been subsequently lost, or cannot be located, the job candidate's resume can be used instead to support continuous employment overseas by the U.S. Government and the transportation agreement requirement can be supported by obtaining a copy of the original relocation package used to send the job candidate overseas by the losing agency under the Administrative Expenses Act of 1946.

Residence Provided in Agency Records

(e.g., Mailing Address for W-2 and Leave and Earnings Statements) B-125293, October 28, 1955, 35 Comp. Gen. 244

Country (U.S. or Foreign): _____

City: _____ State (If U.S.): _____

Historical Residence While Employed

(i.e., residence during the prior 5 years) B-125293, October 28, 1955, 35 Comp. Gen. 244

Country (U.S. or Foreign): _____

City: _____ State (If U.S.): _____

Family Connections

B-140748, 39 Comp. Gen. 337 (1959); B-125293, October 28, 1955, 35 Comp. Gen. 244

Does your family (e.g., parents, siblings) live in a particular location where you maintain a historical or affinity connection? (For example, where you own a family burial plot and/or where you plan to retire at the conclusion of Federal service.)

Yes No

If Yes:

City: _____ State (If U.S.): _____

Voting and Paying Taxes

January 15, 1947, 26 Comp. Gen. 488 and B-125293, October 28, 1955, 35 Comp. Gen. 244

1. Are you currently a registered U.S. voter?

Yes No I am not sure

2. If you have voted in the past in U.S. elections, either in person, or by mail (e.g., absentee ballot), what historically has been your voting jurisdiction?

County: _____ State: _____

3. Do you currently pay U.S. income tax?

Yes No

4. Do you currently pay U.S. State and/or local Income tax?

Yes No

5. If you currently pay U.S. State tax and/or local tax, what state and/or local jurisdiction?

State: _____ Local Jurisdiction (County, City, etc.) _____

6. Do you pay income tax to a foreign country?

Yes No

7. If you pay income tax to a foreign country, what country?

Long-standing connections through birth, where you spent your youth, education (i.e., secondary schooling and/or college), and/or marriage

B-157548, 45 Comp. Gen. 136 (1965)

Do you identify with a particular U.S. State or Territory due to a long-standing, historical connection, such as through birth, marriage and/or education?

Yes No

If Yes:

What State or Territory? _____

Local Jurisdiction (County, Township, etc.) _____

Name of Human Resources Specialist: _____

Signature (Human Resources Specialist):

Date:

PRIVACY ACT STATEMENT

Information collected via this form is pursuant to federal law, in particular: 5 U.S.C. § 3301 [rules for admission to the Federal service] and 5 U.S.C. § 3302 [rules for the competitive service]. The information collected also facilitates the correct benefits determination decisions for the accumulation of annual leave (5 U.S.C. § 6304(b)), home leave and related renewal agreement travel (5 U.S.C. § 6305(a) and 5 U.S.C. § 5728(a)), and permanent change of station (5 U.S.C. §§ 5722, 2724a, and 5724(d)). Disclosure of information related to the candidate and position is mandatory under these authorities so that the correct pay and benefits can be provided upon appointment, transfer, or reassignment to a foreign area. Use of this information is governed by Civil Service regulations found within 5 U.S.C. Part 630 and the Federal Travel Regulations under 41 C.F.R. Part 302. The information collected via this form will only be used by the GSA Office of Human Resources Management and the employee's new supervisor under the provisions of 5 U.S.C. § 552a(b)(3) [routine use]. Such information is not releasable to the public due to 5 U.S.C. § 552(b)(6) and will be stored within the Office of Personnel Management's Electronic Personnel Folder (eOPF) application, under System of Record Notice (SORN) "OPM/GOVT-1" in the Federal Register (FR) at 77 FR 73694 (December 11, 2012). An employee's failure to provide the information requested on this form may lead to the erroneous payment of compensation and benefits, or the non-payment of eligible compensation and benefits.

INSTRUCTIONS *(for Human Resources Offices)*

1. Interview the candidate and collect the DoD Form 1617 (if applicable) and demographic information.
2. Complete the Section B Worksheet (if necessary).
3. Based upon the totality of the evidence collected and all available facts (B-157548, Sept. 13, 1965, 45 Comp. Gen. 136), document via the Worksheet and complete the Cover Sheet. The place constituting the actual place of residence must be determined upon the facts and circumstances of each individual case (B-124663, August 24, 1955, 35 Comp. Gen. 101 and September 21, 1955, B-124492).
4. Sign and date both the Section B Worksheet (if applicable) and the Section A Cover Sheet.
5. Submit to the GSA Office of the Chief Financial Officer (OCFO), Travel and Relocation Office, for use in their determination and inclusion within GSA Forms 87A and 2255.