

DECISION

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

60667

FILE:

B-183801

DATE:

MAR 24 1976

MATTER OF:

James G. Flanigan - Claim for Relocation
Expenses

98458

DIGEST:

A Department of the Army employee in Philadelphia, Pennsylvania, was issued permanent change of station order to Fort Monmouth, New Jersey. After contracting to sell his house and prior to reporting to Fort Monmouth he accepted employment with the IRS in Philadelphia. Settlement disallowing claim for house sale expenses is sustained since employee did not transfer to Fort Monmouth and his travel order was not cancelled for official reasons.

This action is in response to a request for reconsideration of our Transportation and Claims Division (now Claims Division) settlement of February 12, 1975, which disallowed the claim of Mr. James G. Flanigan for reimbursement of the expenses incurred in connection with the sale of his residence in Philadelphia, Pennsylvania.

The information furnished in the request for reconsideration is merely repetitious of information previously furnished which was fully considered by our Office in issuing our settlement. The facts in Mr. Flanigan's case were fully stated in our Office settlement of February 12, 1975, and need not be repeated except as pertinent to the present discussion of the case. Mr. Flanigan's claim was disallowed by our Office on the ground that he voluntarily relinquished his position with the United States Army Electronics Command (USAECOM) prior to the date of his proposed transfer to Fort Monmouth. In addition, the sale of his residence in Philadelphia cannot be considered as having resulted from his transfer to the Internal Revenue Service (IRS), since there was no substantial change in the area of residence.

Section 5724a(a)(4) of title 5 of the United States Code, as implemented by Part 6 of the Federal Travel Regulations (FPMR 101-7) (May 1973), authorizes reimbursement to employees for certain expenses incurred in the sale of a residence when required by a transfer of official station in the interest of the Government. Although Mr. Flanigan was scheduled to transfer from USAECOM in Philadelphia to Fort Monmouth at the time of the sale of his residence he did not transfer but instead obtained employment

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with the IRS at Philadelphia. The transfer of Mr. Flanigan to Fort Monmouth was in the interest of the Government, and had he complied fully with his travel order, he would have been entitled to travel and transportation and relocation expenses incident to the move. However, he decided not to comply with his travel order and elected instead to accept employment with another Federal agency in Philadelphia which was not initiated or required by the Government. Since Mr. Flanigan did not transfer to a new duty station in the interest of the Government and since his travel order was not cancelled for official reasons there is no authority to reimburse him the costs he incurred in selling his residence in Philadelphia.

Accordingly, the action taken in our Office settlement of February 12, 1975, in disallowing Mr. Flanigan's claim is affirmed.

R.F.KELLER

Deputy] Comptroller General
of the United States