

**DECISION**

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

FILE: B-186024

DATE:

APR 29 1976

60819

99003

MATTER OF: Arthur J. Grauf - Reimbursement for real estate expenses - Time limitation

**DIGEST:** Employee who transferred from Valley Forge General Hospital to Indiantown Gap Military Reservation and reported for duty on June 11, 1973, may not be reimbursed for real estate expenses of sale of former residence since settlement did not occur until July 7, 1975, more than 2 years after date of reporting. Time limitation imposed by para. 2-6.1e of the Federal Travel Regulations has the force and effect of law and may not be waived in any individual case. See 49 Comp. Gen. 145, 147 (1969).

This action is in response to an appeal by Mr. Arthur J. Grauf, an employee of the Department of the Army, of a settlement issued by our Claims Division on January 29, 1976, settlement No. Z-2337577, disallowing the employee's claim for reimbursement of real estate expenses incurred in connection with the sale of his residence incident to a permanent change of station.

Mr. Grauf was transferred in 1973 from Valley Forge General Hospital, Phoenixville, Pennsylvania, to the Indiantown Gap Military Reservation (IGMR), Annville, Pennsylvania, where he reported for duty on June 11, 1973. In November 1974 final approval was given to a request by the employee for a one-year extension of the initial one-year settlement date limitation for reimbursement of real estate expenses. A contract for the sale of Mr. Grauf's former residence was executed on March 7, 1975, well within the period of the extension, but settlement on the sale transaction did not occur until July 7, 1975, more than 2 years after the date the employee reported for duty at IGMR. Letters from the employee and the real estate agent handling the transaction suggest that the delay in settlement was the result of a misunderstanding by Veterans Administration (VA) personnel of the term "artesian well" used in the property descriptions which delayed VA approval of the purchaser's mortgage.

Mr. Grauf's request for an additional extension beyond the one-year extension previously approved was denied by the Army and subsequently transmitted to our Claims Division as a claim for

B-186024

reimbursement of real estate expenses. The Claims Division treated it as a request for an additional extension beyond the 2-year limit and denied Mr. Grauf's request, in effect disallowing the claim. Mr. Grauf's appeal from that settlement is the subject of this decision.

The reimbursement to Federal employees of certain expenses incurred in connection with residence transactions incident to a transfer is governed by section 5724a(a)(4) of title 5, United States Code (1970), and regulations issued pursuant thereto. At the time of Mr. Grauf's transfer, the applicable regulations were contained in the Federal Travel Regulations (FTR) (FPMR 101-7) para. 2-6.1, which provides in part:

" \* \* \* To the extent allowable under this provision, the Government shall reimburse an employee for expenses required to be paid by him in connection with the sale of one residence at his old official station \* \* \*; Provided, That:

\* \* \* \* \*

"e. Time limitation. The settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested are not later than 1 (initial) year after the date on which the employee reported for duty at the new official station. Upon an employee's written request this time limit for completion of the sale and purchase or lease termination transaction may be extended by the head of the agency or his designee for an additional period of time, not to exceed 1 year, regardless of the reasons therefore so long as it is determined that the particular residence transaction is reasonably related to the transfer of official station."

The same provisions are incorporated in the Joint Travel Regulations, Volume II, para. C8350, for application to civilian personnel of the Department of Defense.

B-186024

The above-quoted regulation was promulgated under the specific statutory authority of 5 U.S.C. § 5724a (1970) and has the force and effect of law and, therefore, may not be waived in any individual case. See 49 Comp. Gen. 145, 147 (1969). While it is unfortunate that the sale of Mr. Grauf's former residence was delayed, the fact that the delay may have been in part due to a misunderstanding by VA personnel does not alter the fact that settlement did not take place until July 7, 1975, more than 2 years after Mr. Grauf reported to his new duty station and beyond the maximum time limit permitted by the regulations.

In these circumstances we concur with the result reached by our Claims Division in this matter. The settlement of January 29, 1976, is hereby sustained.

Paul G. Dembling

For

Comptroller General  
of the United States