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DECISION



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

FILE: B-185346

DATE: January 3, 1977

MATTER OF: Stanley F. Savoy - Miscellaneous expenses --
Repayment of veteran's education assistance

DIGEST: Employee withdrew from academic courses because transferred in mid-quarter. Claim for amount of repayment to Veterans Administration of benefits received may not be authorized for payment since such expenses are not among those contemplated in regulations, as held in B-162828, November 16, 1967.

An authorized certifying officer of the National Oceanic and Atmospheric Administration (NOAA), has requested an advance decision concerning the propriety of payment of the claim of Stanley F. Savoy for reimbursement for education benefits which he had to repay to the Veterans Administration when a transfer caused him to withdraw from an educational course prior to completion.

The record shows that Mr. Savoy was transferred from Spokane, Washington, to Winnemucca, Nevada, effective February 28, 1975. As a result of the transfer Mr. Savoy discontinued the college level courses he was taking prior to the end of the term and was required to repay to the Veterans Administration educational benefits which he had received for the then-current semester. Mr. Savoy states that the transfer was the result of abolishment of his position at the Spokane office of the NOAA.

The agency denied Mr. Savoy's claim since the Federal Travel Regulations do not specifically provide for the reimbursement of such costs and on the basis of our decision B-162828, dated November 16, 1967. We held in that decision that a transferred employee could not be reimbursed for the cost of payment of his daughter's previously waived tuition because such expenses were not among those contemplated as "miscellaneous expenses" under the then current regulation, Section 3.1b of Bureau of the Budget Circular No. A-56, Revised October 12, 1966.

The regulation cited above which was held controlling in B-162828, *supra*, is a predecessor and substantially identical to the provision set forth in paragraph 2-3.1b of the Federal Travel Regulations (FTR), FPMR 101-7 (May 1973), which governs Mr. Savoy's transfer. Mr. Savoy has stated that B-162828, *supra*, may be distinguished from his case since the claimant in that

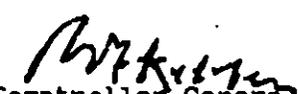
B-186346

case was transferred under the merit promotion system whereas he was transferred because his position was abolished. It is not, however, the underlying reason for the transfer which is the determinative factor here, but the nature of the cost for which reimbursement is claimed. The expense claimed here is essentially the same as that claimed in B-162823, supra, and that decision is applicable to Mr. Savoy's claim.

We note also that under the provisions of title 38 of the Code of Federal Regulations (CFR), section 21.4131, payment of veterans education assistance benefits commences on the date of registration or enrollment in an approved course of training. Payment of benefits ceases on the date of discontinuance of attendance or the date of official change of status under the practices of the institution. 38 C.F.R. section 21.4135(e) (1975). We have been advised informally by the Veterans Administration that an eligible veteran may retain the benefits received for the period up to the date of withdrawal, but that any benefits paid for the period after that date constitute an overpayment. Upon repayment by the veteran of the amount of any such overpayment, a time period equal to the period for which the overpayment was made is recredited to the veteran's "account," in effect recrediting those payments to the veteran for use upon reenrollment.

In view of the foregoing, the voucher on behalf of Mr. Savoy may not be certified for payment.

Deputy


Comptroller General
of the United States