

**DOCUMENT RESUME**

08037 - [C3528619]

[Employee's Claim for Reimbursement of Real Estate Expenses].  
B-188706. December 14, 1978. 2 pp.

Decision re: Billy L. Kenney; by Robert F. Keller, Deputy  
Comptroller General.

Contact: Office of the General Counsel: Personnel Law Matters  
II.

Organization Concerned: Federal Aviation Administration.  
Authority: F.T.R. (FPNR 101-7). B-184008 (1976). B-167708  
(1969).

A decision was requested as to whether a transferred employee may be reimbursed for real estate expenses incurred in the sale of a residence occupied by his family at the time of transfer. The employee is almost constantly in a travel status. He may be reimbursed for expenses incurred in selling his home even though the home was not located convenient to his permanent duty station, and he did not commute daily from that residence.  
(BRS)

**DECISION**

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

*PLN II*  
**8619**

FILE: 3-188706

DATE: December 14, 1978

MATTER OF: Billy L. Kenney - Real Estate Expenses

**DIGEST:** When an employee who is in a travel status more than 90 percent of the time is transferred, he may be reimbursed for the real estate expenses incurred in selling his former residence which is located at a point convenient to the places where the employee is required to perform temporary duty even though the home was not located at the place that was administratively designated as his duty station and he did not commute daily from that residence.

This action is in response to a request for an advance decision, which was submitted by the Chief, Financial Systems Division of the Federal Aviation Administration (FAA). We have been asked to decide whether or not Mr. Billy L. Kenney may be reimbursed for the real estate expenses incurred when he sold the residence occupied by his family at the time of his transfer to Lufkin, Texas.

Mr. Kenney, an employee of the FAA, was transferred from Fort Worth, Texas, to Lufkin, Texas, with a reporting date of November 23, 1976. At the time of this transfer Mr. Kenney's wife and children resided in Hot Springs, Arkansas. The question presented is whether or not Mr. Kenney may be reimbursed for the expenses incurred in selling his Hot Springs residence.

The record is clear that although Fort Worth was designated as Mr. Kenney's official duty station, the designation was a matter of administrative convenience, and that Mr. Kenney spent virtually no time performing duties in Fort Worth during the almost 4 years it was his official duty station. Mr. Kenney held the position of Electronics Technician, and the position descriptions for that job in grades GS-7 through GS-11 specify that the employee would be in a travel status 90 percent of the time. During the time Fort Worth was designated as his official duty station, Mr. Kenney did not own or rent a residence in the Fort Worth area. On those few occasions when he was actually in Fort Worth, he would stay in a motel or hotel room. During this period Mr. Kenney was actually in a travel status well over 90 percent of the time. His family's home in

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Hot Springs was more convenient to the locations at which he performed his temporary duty assignments than a home in Fort Worth would have been. Thus, it was easier to go home on weekends to see his family when they lived in Hot Springs.

The general rule is that an employee only may be reimbursed for the expenses incurred in selling the residence from which he daily commuted to his old duty station. Federal Travel Regulations, FPMR 101-7 (May 1973) paragraphs 2-6.1 and 2-1.41. However, we have held that where an employee is constantly in a travel status, and has no single, true official duty station, but only a place so designated for administrative convenience, he may be reimbursed for the expenses of selling his home, since it is impossible for the employee to commute daily from one residence. Matter of Robert A. Van Winkle, B-184004, April 27, 1976, and B-167708, September 26, 1969.

Since Mr. Kenney's claim falls within the rule stated in those decisions reimbursement of real estate expenses incurred in selling his home in Hot Springs, Arkansas, may be paid.

  
Deputy Comptroller General  
of the United States