

DOCUMENT RESUME

08043 - [C3530638]

[Reimbursement of Relocation Expenses for Twice-Transferred Employee]. B-161795. December 18, 1978. 2 pp.

Decision re: Joseph Marcheggiani; by Robert F. Keller, Deputy Comptroller General.

Contact: Office of the General Counsel: Personnel Law Matters I.
Organization Concerned: Internal Revenue Service.
Authority: 5 U.S.C. 5724a. F.T.R. (FERR 101-7). B-189775 (1977).
B-185669 (1976). B-183196 (1976).

The propriety of reimbursing a twice-transferred employee for transfer-related real estate expenses was questioned. The employee may not be reimbursed for the sale of his house at the first duty station under a travel order for the second transfer because it was not the residence from which he commuted to work at the time of the second transfer. (RFS)

DECISION

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

*J. Lavin
PWL I*

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FILE: B-161795

DATE: December 18, 1978

MATTER OF: Joseph Marcheggiani - Relocation Expenses -
Settlement Date Limitation

DIGEST: Fact that employee was transferred twice and selected for training within 39 months provides no basis for extending settlement date limitation established by Federal Travel Regulations. Employee may not be reimbursed for sale of home at first duty station under travel order for second transfer because it was not residence from which he commuted to work at time of second transfer.

This advance decision is rendered at the request, dated May 17, 1978, of Ms. Virginia G. Leist, an authorized certifying officer of the Internal Revenue Service, as to the propriety of certifying for payment the voucher in favor of Mr. Joseph Marcheggiani for transfer-related real estate expenses.

On February 17, 1974, Mr. Marcheggiani, who was stationed in New York City, New York, and resided in Westhaven, Connecticut, was transferred to Philadelphia, Pennsylvania. There, Mr. Marcheggiani obtained lodgings for himself while his family remained in Westhaven. Approximately 20 months after his transfer (October 23, 1975), Mr. Marcheggiani was notified of his selection for training in the Executive Selection and Development Program. Selection for training in this program is considered tantamount to notice that the trainee will be transferred to a new permanent duty station. On May 31, 1977, Mr. Marcheggiani was transferred to Indianapolis, Indiana. He claims reimbursement of the expenses associated with selling his Westhaven residence in August 1977.

Reimbursement of real estate expenses incident to a transfer of duty station is governed by chapter 2, Part 6 of the Federal Travel Regulations (FPMR 101-7, May 1973), specifically paragraph 2-6.1. These regulations were promulgated pursuant to 5 U.S.C. § 5724a (1970) and, thus, have the force and effect of law. Neither our Office nor an employing agency has the authority to grant an extension beyond the time periods prescribed in the regulations. B-189775, September 22, 1977. Paragraph 2-6.1e provides that, in order for Mr. Marcheggiani's Westhaven residence sale expenses to be reimbursable under the first set of transfer orders, settlement would

B-161795

have to have occurred within 1 year of his reporting for duty in Philadelphia unless he had requested in writing an extension not to exceed 1 year. The record contains no evidence of such a request. In any event, settlement on the house occurred approximately 42 months after Mr. Marcheggiani reported to Philadelphia. Thus, even though his action in delaying completion of real estate transactions may have been prudent in light of his selection for executive training, there is no authority to reimburse him for sale expenses which occurred after 1 year. B-185669, September 29, 1976.

Alternatively, these real estate expenses are not reimbursable under the orders transferring Mr. Marcheggiani from Philadelphia to Indianapolis. In order to be reimbursable, the real estate expenses must be for a residence at the employee's "old duty station." To qualify as such a residence, the residence must be the one from which the employee regularly commutes to work. B-183196, February 2, 1976. Since Mr. Marcheggiani's Westhaven residence was not the one from which he commuted to work in Philadelphia, he may not be reimbursed for the Westhaven real estate expenses under the orders transferring him from Philadelphia to Indianapolis.

Accordingly, the voucher returned herewith may not be certified for payment.


Deputy Comptroller General
of the United States