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13947 Mr. Dunn

DECISION



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

Claim For Reimbursement of

FILE: B-193969

DATE: June 5, 1980

MATTER OF: Sandra A. Cossu - House Hunting Trip Expenses

DIGEST: When an employee accepts a transfer and, after making a trip to the new station for purposes of finding permanent quarters, declines the transfer, she may not be reimbursed amounts expended for travel incident to such a trip.

This action concerns a request by the Chief, Accounting Section, Southwest Region, Internal Revenue Service for an advance decision whether a claim by Sandra A. Cossu for travel expenses for a house hunting trip may be paid.

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The record reveals that on November 7, 1978, an authorization was issued and approved for a change of the permanent duty station of Mrs. Sandra A. Cossu from Los Angeles, California, to Dallas, Texas. Mrs. Cossu, after executing a service agreement on October 26, 1978, was authorized a house hunting trip for herself and her spouse which was begun on November 23, 1978. On November 27, 1978, while on her house hunting trip, Mrs. Cossu advised her prospective supervisor that she was unable to accept the offered position for personal reasons.

Section 5724a(a)(2) of title 5 of the United States Code authorizes an employee reimbursement of transportation expenses to seek permanent quarters at the new official station when both the old and new stations are located within the continental United States. The pertinent parts of the implementing Federal Travel Regulations (FTR), are found in sections 2-4.3a and 2-1.5a(1)(a). The first sentence of FTR 2-1.5a(1)(a) requires the employee to execute a service agreement as a condition precedent to the payment of relocation expenses. The record in the present case indicates that on October 26, 1978, the employee signed a service agreement, thus complying with this condition. The second sentence of FTR 2-1.5a(1)(a) specifies that failure by the employee to effect the transfer may constitute a violation of the service agreement and that funds expended by the United States for travel, transportation and allowances shall be recovered from the employee. The record in the present case indicates that the employee, subsequent to execution of the service agreement, for personal reasons declined to effect the transfer.

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Section 2-4.3a of the FTR precludes reimbursement for the expenses of a househunting trip where the employee, after making a trip to the new duty station for the avowed purpose of locating permanent quarters, declines the transfer. In that case, the regulation specifically provides that the employee is subject to the provisions of FTR para. 2-1.5a(1) concerning recovery of amounts reimbursed for travel. B-183801, March 24, 1976, B-183563, July 14, 1976. In the present case there is no indication in the record that the reason the employee declined to transfer was not completely within her control or that her transfer was cancelled for official reasons. The record shows instead that the reason the employee did not transfer was personal, namely, in her words "that, based on the factual observations made during the house hunting trip, the financial and human costs of the move far outweighed the actual and potential gains of the position, and therefore I would not be able to accept it." FTR 2-4.3a makes clear, however, that such a trip may not be permitted at Government expense "where a purpose of the trip is to permit the employee to decide whether he will accept the transfer."

We have considered Mrs. Cossu's various arguments including her contention that the language of the service agreement she executed indicated only that she would be obligated to repay relocation expenses in the event of her resignation or separation within 12 months. She states that she had not agreed to the transfer at the time she executed the service agreement and was not advised that her failure to effect the transfer would result in any obligation to repay amounts advanced or paid as house hunting trip expenses. Since the service agreement signed by Mrs. Cossu specifically provides that payments of travel, transportation and other relocation expenses are in consideration for her agreement to transfer to the Regional Office, Southwest Region, we find no reasonable basis for her to have assumed that she could decline to transfer and yet retain expenses advanced or paid to her for the specific purpose of effecting the transfer to which she agreed. Accordingly, reimbursement for house hunting expenses pursuant to 5 U.S.C. § 5724a and the implementing regulations, may not be allowed.


For The Comptroller General
of the United States