

DECISION



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

FILE: B-207730

DATE: July 7, 1982

MATTER OF: Mr. James P. Moore

DIGEST: Federal employee, transferred to new duty station on July 6, 1980, who obtained a 1-year extension of period to sell former residence and purchase new residence under section 2-6.1e, Federal Travel Regulations (restated in paragraph C14000-2 of Volume 2, Joint Travel Regulations), may not be granted an additional extension of time limitation beyond maximum 2-year period established by regulation. Limitation may not be waived or modified even though employee's difficulty in selling former residence may be due to housing market.

This action is in response to a request for decision from a Finance and Accounting Officer, Corps of Engineers, on the question as to whether Mr. James P. Moore, an employee of that activity, may be authorized an additional extension of time to complete the sale and purchase of a home incident to a permanent change-of-station move in July 1980.

Mr. Moore was employed by the Corps of Engineers, with his duty station located in Tioga, Pennsylvania. Due to completion of the project on which he was working, he was transferred to Washington, D.C., in July 1980.

In May 1980, incident to the transfer, he put his home in Lawrenceville, Pennsylvania, up for sale. The Finance and Accounting Officer confirms Mr. Moore's claim that his inability to sell his home is due to the severely depressed real estate market in that area, coupled with high interest rates. Although it appears that he secured a 1-year extension of time to complete the sale, that extension expires on July 6, 1982.

It is pointed out in the submission that Mr. Moore's purchase of a home in the Washington area is dependent on the sale of his old home, and that if he is forced

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to significantly reduce the sale price of his old home in order to sell it by that date, he may be unable to purchase a new home. It is for those various reasons that an additional time extension is sought.

The entitlement of Federal employees to be reimbursed for certain expenses incurred in connection with residence transactions incident to a permanent change of station is governed by 5 U.S.C. 5724a and regulations issued pursuant thereto. Such regulations are contained in part 6 of chapter 2, Federal Travel Regulations, and are restated in Volume 2 of the Joint Travel Regulations for civilian employees of the Department of Defense.

Paragraph C14000-2 of Volume 2, Joint Travel Regulations which is a restatement of the provisions of section 2-6.1e of the Federal Travel Regulations, provides in part:

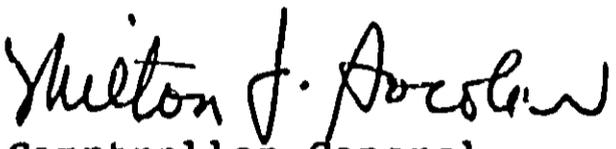
"2. * * * settlement dates for the sale and purchase of a residence * * * for which reimbursement is requested must be not later than 1 year after the date on which the employee reported for duty at the new permanent duty station. * * * However, this time limitation may be extended * * * for not more than 1 additional year * * *."

As the above regulation makes clear, the additional period of time after the initial 1-year period may not be extended beyond 1 year. 58 Comp. Gen. 539 (1979). While we do not question the contention that Mr. Moore has been unable to sell his residence as a result of conditions that are essentially beyond his control, the provisions of the Federal Travel Regulations issued pursuant to 5 U.S.C. 5724a have the force and effect of law. Neither they nor the like provisions contained in the Joint Travel Regulations may be waived or modified by this Office or any agency concerned even though an employee's inability to sell his residence may be due to difficulties in the

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the housing market caused by financing constraints or other factors, Matter of Ballentine, B-193607, March 8, 1979, and Matter of Johnson, B-202402, November 5, 1981.

Accordingly, in order for Mr. Moore to be reimbursed for any real estate expenses incident to his Washington, D.C. station change, the sale and purchase transactions must occur on or before July 6, 1982.


Acting Comptroller General
of the United States