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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Matthew I. Chibbaro - Real Estate
Purchase Expenses - Title Requirements

File: B-223542

Date: May 12, 1987

DIGEST

An employee, who was single when he transferred to a new duty station, later married and purchased a residence with his new wife. Although the employee was not married at the time he transferred, he was married before settlement on his residence. The employee's claim for real estate expenses may be allowed without limitation since, at the time of settlement, he acquired title in the name of himself and a member of his immediate family.

DECISION

The issue presented here is whether a transferred employee who marries after reporting to his new duty station but before purchasing a new residence may be reimbursed for the full amount of the otherwise allowable real estate expenses. For the reasons set forth below, we hold that the employee may be reimbursed for 100 percent of the allowable purchase expenses.

BACKGROUND

This decision is in response to a request from the National Security Agency (NSA) concerning a claim for relocation expenses by Mr. Matthew I. Chibbaro, an NSA employee. Mr. Chibbaro was transferred from Pearl Harbor, Hawaii, to Fort George C. Meade, Maryland, effective September 14, 1984, and he was authorized relocation expenses in connection with that transfer.

At the time Mr. Chibbaro transferred, he was not married. He later married, and he and his wife jointly purchased a residence in the area of his new duty station in October 1985. The agency limited Mr. Chibbaro's claim for reimbursement of real estate expenses to 50 percent of the authorized expenses since, at the time he reported to his

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new duty station, he was not married and had no dependents. In response, Mr. Chibbaro argues that his reimbursement for real estate expenses should not be limited.

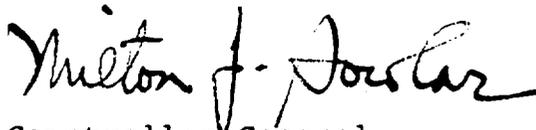
OPINION

The authority for the reimbursement of real estate expenses in connection with an employee's transfer is contained in 5 U.S.C. § 5724a(a)(4) (1982) and the implementing regulations contained in the Federal Travel Regulations (FTR), FPMR 101-7 (Supp. 4, October 1, 1982) incorp. by ref., 41 C.F.R. § 101-7.003 (1985). The language of the statute pertinent to this decision requires that title to the residence must be in the name of the employee alone, in the joint names of the employee and one or more members of his immediate family, or solely in the name of one or more members of his immediate family. See also FTR para. 2-6.1(c).

In our decisions involving the purchase of a residence at the new duty station, we took the settlement date and applied the definition of immediate family at that time to determine the manner in which title is held, since the expenses of residence transactions are generally paid at settlement. Anthony Stampone III, B-223018, September 30, 1986.

In Stampone we considered the claim of an employee who purchased a residence with his fiancée whom he later married. We held that the employee was limited to 50 percent of the allowable costs since, at the time of settlement, he held title with someone who was not a member of his immediate family. See also, Patrick G. Collins, B-220289, February 28, 1986; and Transferred Employees, B-224593, October 15, 1986, 66 Comp. Gen. ____.

In the present case, Mr. Chibbaro was married at the time he acquired title to the new residence, and he took title in the names of himself and his wife. Thus, at the relevant time, the time of settlement, title was taken in the name of the employee and a member of his immediate family. We find no reason to limit Mr. Chibbaro's reimbursement for real estate expenses on the basis of his marital status at the time he transferred, and he may be reimbursed for the 100 percent of his allowable purchase expenses.



Acting Comptroller General
of the United States