



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: John P. Sobal--Real Estate Expenses  
File: B-233829  
Date: September 15, 1989

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### DIGEST

An employee may not be reimbursed real estate expenses where he contracted to sell and vacated his old residence before he was first definitely informed of his transfer.

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### DECISION

The issue presented is whether an employee is entitled to residence transaction expenses when, in anticipation of his transfer, he contracted to sell and vacated his old residence before he was informed of his transfer to a new duty station. For the reasons stated below, we hold that he is not so entitled.

### BACKGROUND

This decision is in response to a request submitted by the Department of the Air Force concerning the claim of Mr. John P. Sobal for reimbursement of real estate expenses.<sup>1/</sup> In July 1987, Mr. Sobal contacted the Hughes Army Plant Representative Office (Hughes APRO) in Mesa, Arizona, about job opportunities, and, in anticipation of a transfer, he placed on the market his residence in Beavercreek, Ohio.

While Mr. Sobal was awaiting word on the job possibilities at Hughes APRO, his name was listed among eligible candidates for the position of Contract Administrator at the Western Space and Missile Center (WSMC), Vandenberg Air Force Base, California. On December 8, 1987, Mr. Sobal was

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<sup>1/</sup> The question was submitted by Charlene M. Bradley, Chief, Performance Management Pay and Allowances Division, Directorate of Civilian Personnel, Department of the Air Force, through the Per Diem, Travel and Transportation Allowance Committee, PDTATAC Control No. 88-20.

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called by WSMC personnel about his availability and interest in a position there, and on December 16, 1987, he was offered a position at WSMC. On January 13, 1988, having learned that another candidate had been selected for the position at Hughes APRO, Mr. Sobal contacted WSMC and accepted the position there.

Mr. Sobal signed a contract to sell his residence on October 28, 1987, and while settlement was originally scheduled to occur on December 5, 1987, this was deferred until January 31, 1988. However, Mr. Sobal did agree to allow the buyers occupancy of his residence on December 14, 1987.

The Finance Officer denied Mr. Sobal's claim for real estate expenses associated with the sale of his house at his old duty station because Mr. Sobal contracted to sell his residence prior to selection for a position at WSMC. The Finance Officer also questions whether Mr. Sobal met the occupancy requirements under the Federal Travel Regulations since he vacated his house before he was officially notified of his transfer.

#### OPINION

Under the regulations governing the reimbursement of real estate expenses of transferred employees, there is a requirement that the employee must actually reside in the residence at the time the employee is first definitely informed of the transfer.<sup>2/</sup>

As noted by the agency, the facts in this case are quite similar to those in James K. Marron, 63 Comp. Gen. 298 (1984), where we denied reimbursement of real estate expenses since the sale of the residence was not incident to his transfer and the employee vacated the residence before there was an administrative intent to transfer him.

Based on the record before us, we conclude that the sale of Mr. Sobal's residence was not incident to his transfer and that he did not occupy this residence at the time he was

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<sup>2/</sup> Federal Travel Regulations (FTR), para. 2-6.1d (Supp. 4, Aug. 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1987), and the Joint Travel Regulations, vol. 2, Chapter 14 (Change No. 212, October 1, 1986). See Donald R. Stacy, 67 Comp. Gen. 396 (1988).

first definitely informed of his transfer. Accordingly, his claim for reimbursement of real estate expenses may not be paid.

*Milton J. Fowler*

Acting Comptroller General  
of the United States