



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Jacqueline Micheli

File: B-251753

Date: May 28, 1993

DIGEST

Although a transferred employee states she paid all settlement costs of purchase of a residence at her new duty station, she may be reimbursed for only 50 percent of her real estate purchase expenses since she held title to the property jointly with an individual who was not a member of her immediate family. The unique circumstances which were present in Thomas A. Fournier, B-217825, Aug. 2, 1985, under which additional amounts might have been reimbursable, are not present here.

DECISION

This decision is in response to a request for a decision as to whether Ms. Jacqueline Micheli, an employee of the United States Department of Agriculture, may be reimbursed more than 50 percent of the allowable expenses incurred in the purchase of a residence at her new duty station.¹

Ms. Micheli transferred from San Juan, Puerto Rico, to Washington, DC, in January 1992. Incident to the transfer Ms. Micheli and another individual, Jose M. Lugo-Calzada, who is not a member of her immediate family, purchased and took title as joint tenants to a residence at her new duty station. Both names also appear on the settlement sheet and the deed of trust.

Ms. Micheli states that she paid all of the loan closing costs and has submitted a copy of a cashier's check in the amount of \$6,334.45, which shows her as the purchaser and is made payable to the settlement agent. Ms. Micheli seeks reimbursement in the amount of \$4,077.50, representing 100 percent of the allowable costs of purchasing the residence. The Department of Agriculture reimbursed her for

¹The request was submitted by Ms. Sandra L. Williams, Authorized Certifying Officer, National Finance Center, U.S.D.A.

one-half of the allowable closing costs based on our decisions and the Federal Travel Regulation (FTR).

The certifying officer asks, however, whether Ms. Micheli is entitled to 100 percent reimbursement of the settlement costs, in view of her assertion that she paid all of those costs which is supported by the copy of the cashier's check. In this regard, the agency refers to a decision of our Office in which we sustained an agency's reimbursement of one-half the expenses where the employee sold a residence he had titled jointly with someone not a member of his immediate family, but we stated that we would have no objection to additional reimbursement if the employee could establish to the satisfaction of the agency "that he actually paid a greater share of expenses." Thomas A. Fournier, B-217825, Aug. 2, 1985. The certifying officer asks whether the information presented in Ms. Micheli's case is sufficient to warrant full reimbursement.

We have consistently held that where an employee holds title to a residence with an individual who is not a member of his or her immediate family, the employee may be reimbursed only to the extent of the employee's title interest in that residence.²

As noted above, in the Fournier decision we applied this rule, but there also were unusual facts in that case that caused the addition of the language quoted above. These facts were that Mr. Fournier possessed sole title to his residence at the time he received notice of his transfer, and a short time later relinquished it through the purchase of an assumable loan with a co-purchaser, ostensibly to facilitate the sale of the property. Although we sustained the agency's action limiting Mr. Fournier to 50-percent reimbursement, we noted that he had held sole title at the time he was first notified of the transfer, but that we had just recently held that the status of title at the time of settlement must be considered.³ In view of those unique circumstances which are not present in Ms. Micheli's case, the additional language quoted above was included.⁴

Accordingly, since Ms. Micheli took title to the residence she purchased with an individual who was not a member of her immediate family, the general rule applies and she is

²Jerry O. Jones, B-249606, Sept. 8, 1992; Steven K. Peacock, B-230698, Nov. 25, 1988; B-167962, Nov. 7, 1969.

³Alan Wood, 64 Comp. Gen. 299, 301 (1985).

⁴See also, David L. Wheeler, B-239155, Aug. 24, 1990.

entitled to reimbursement of only 50 percent of the allowable real estate purchase expenses incurred.

JF *James F. Hinchman*
James F. Hinchman
General Counsel