



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: William Buchanan - Reconsideration

File: B-245281.2

Date: May 28, 1993

DIGEST

A transferred employee, whose real estate related expense claim was denied because he sold his residence more than 3 years after he reported for duty at his new duty station, contends that the provisions of the Federal Supply Schedule relating to government-wide employee relocation services granted him an additional period of time within which to sell his residence. The claim denial is sustained. Relocation expense entitlements are governed by the Federal Travel Regulation (FTR) which has the force and effect of law. The provisions of the Federal Supply Schedule are administrative regulations and they may not enlarge the 3-year time limit specified in the FTR for real estate transactions, nor do they purport to do so.

DECISION

Mr. William Buchanan has requested reconsideration of our decision B-245281, Feb. 20, 1992, through the Office of Finance and Management, National Finance Center, Department of Agriculture.¹ We ruled in that decision that Mr. Buchanan was not entitled to be reimbursed real estate expenses for the sale of his residence because he failed to complete the transaction within 3 years of the date he reported for duty at his new official station. We sustain that ruling for the following reasons.

The basic facts are that Mr. Buchanan reported for duty at his new official station on September 14, 1987. He did not complete the sale of his old residence until October 31, 1990, more than 3 years later.

The employing agency, Federal Crop Insurance Corporation (FCIC), argues on behalf of Mr. Buchanan that, after he rejected the purchase offer made by the relocation service

¹Mr. Ronald J. Parent, Head, Certification and Disbursement Section.

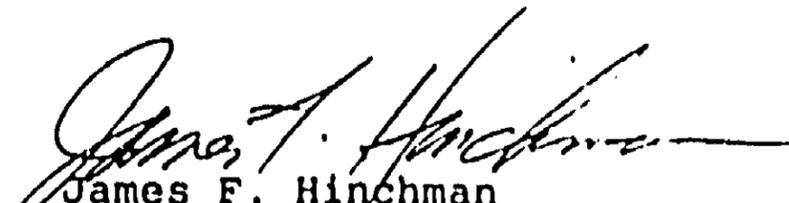
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company to which he was assigned, that company made a reevaluated offer to purchase the residence not earlier than September 5, 1990. Under section D3 of the Federal Supply Schedule regulating government-wide employee relocation services, each employee who uses these services is entitled to a minimum 15-day period to review the reevaluation and determine whether to accept or reject the offer. Since the third anniversary of his reporting for duty occurred prior to that 15th day, the FCIC contends that Mr. Buchanan was not allowed 15 days to consider the reevaluated offer and recommends that his claim be reconsidered for payment.

The regulations governing relocation entitlements to transferred employees are those contained in the Federal Travel Regulation (FTR), 41 C.F.R. Chapter 302 (1992), which have the force and effect of law.² In contrast, the provisions of the Federal Supply Schedule, previously cited, are administrative regulations. As such, they may not change the parameters of employee entitlements authorized by the FTR. In this regard, section 302-12.6(b)(2) of the FTR,³ provides, in part, that:

"(2) . . . Agencies must recognize that the statute and the provisions of this chapter [chapter 302] contain certain limitations and restrictions which are not overridden by the new authority for relocation services. . . ."

As applicable here, FTR section 302-6.1(e)(1) and (2) provides that the settlement date for the sale of a residence for which reimbursement is sought must occur not later than 3 years "after the date that the employee reported for duty at the new official station."⁴ There is nothing in the Federal Supply Schedule which suggests that it was intended to enlarge the 3-year limitation in the FTR. The provision in the Federal Supply Schedule for a 15-day period to review a reevaluated offer does not purport to override the 3-year time limitation on real estate transactions.


James F. Hinchman
General Counsel

²Thomas L. Chapman, B-230880, Dec. 12, 1988.

³41 C.F.R. § 302-12.6(b)(2) (1992).

⁴41 C.F.R. § 302-6.1(e)(1) and (2) 1992.