



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

*Released*

B-191612

JUN 2 1978

The Honorable Robert J. Lagomarsino  
House of Representatives

Dear Mr. Lagomarsino:

Your letter of March 14, 1978, requested information and comments concerning the entitlement of Mr. Ventura, California, to expenses he incurred in a real estate transaction for which he was not reimbursed by the Government.

By Settlement Certificate Z-2755007, August 18, 1977, our Claims Division denied claim for costs of \$2,988.50 in selling his residence incident to his transfer of duty station as a U.S. Navy employee from Davisville, Rhode Island, to Port Hueneme, California.

Our records show that Mr. [redacted] reported for duty at Port Hueneme, California, on June 30, 1974. His request for a 1-year extension of the time limitation for settlement of the sale of his residence was approved by the Navy on June 2, 1975, extending the time for settlement to June 9, 1976. However, the settlement on the sale of his residence did not occur until December 20, 1976, 194 days after expiration of the time extension.

Reimbursement to Federal employees for expenses of certain residence transactions incident to a transfer is governed by 5724a(a)(4) of title 5, United States Code, and implementing regulations. At the time of Mr. [redacted] transfer, the applicable regulations in the Federal Travel Regulations (FTR) (FPMR 101-7) para. 2-6.1 stated in part:

"\* \* \* To the extent allowable under this provision, the Government shall reimburse an employee for expenses required to be paid by him in connection with the sale of one residence at his old official station \* \* \*; Provided, That:

\* \* \* \* \*

"e. Time limitation. The settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested are

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not later than 1 (initial) year after the date on which the employee reported for duty at the new official station. Upon an employee's written request this time limit for completion of the sale and purchase or lease termination transaction may be extended by the head of the agency or his designee for an additional period of time, not to exceed 1 year, regardless of the reasons therefore so long as it is determined that the particular residence transaction is reasonably related to the transfer of official station."

The same provisions are incorporated in the Joint Travel Regulations, Volume II, para. C8350, for application to civilian personnel of the Department of Defense.

As permitted by these regulations, Mr. \_\_\_\_\_ was granted a 1-year extension. Under the regulations, settlement must take place within 2 years after the date of reporting for duty at the new official station. Mr. \_\_\_\_\_ settlement date occurred 194 days beyond the time limit. The regulations contain no provision for further extensions of time or for exceptional circumstances.

Our Claims Division denied the claim for reimbursement because the time limit imposed by the regulations was exceeded. Since para. 2-6.1 of the FTR, quoted above, was issued under the specific statutory authority of 5 U.S.C. 5724a, there was no choice but to deny the claim. The regulation has the force and effect of law and cannot be waived in any individual case. See 49 Comp. Gen. 145, 147 (1969).

Mr. \_\_\_\_\_, asserting exceptional circumstances, explains that settlement was postponed because of delays by the Army Corps of Engineers in its consideration of his request for Government purchase of the residence under the Homeowner's Assistance Program. There may have been exceptional circumstances not indicated in our records, but if so the claim would still have to be denied by our Office, because of the mandatory 2-year time limitation for settlements imposed by the Federal Travel Regulations.

Sincerely yours,

W. K. KELLEY

Deputy Comptroller General  
of the United States

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Director, Claims Division

Comptroller General ~~XXXXXXXXXX~~

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Returned is Claims File No. Z-2755007 with a copy of our reply to Congressman Lagomarsino sustaining your denial of the claim of

Attachments