

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

FILE: B-185739

DATE: JUN 3 1976

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MATTER OF: Arthur J. Libertucci, Jr. - Relocation  
Expenses - Legal Fees

DIGEST: Transferred employee who reported to his new duty station before settlement for the sale of his residence at his old duty station occurred, may be reimbursed for cost of preparing power of attorney that was required because of his inability to attend settlement. Employee may also be reimbursed for attorney's fee for conducting settlement and acting as escrow agent.

This matter arises from a request for an advance decision submitted by Ms. Marie A. Watkins, an authorized certifying officer of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, as to the propriety of certifying for payment a voucher in the amount of \$125 in favor of Mr. Arthur J. Libertucci, Jr., for certain expenses incurred incident to the sale of his home at the time of his transfer.

According to the record before us, Mr. Libertucci was required to report to his new duty station by February 16, 1975, but the settlement for the sale of his residence at his old duty station did not take place until April 11, 1975. Mr. Libertucci is seeking reimbursement for \$75 for the preparation of a power of attorney that authorized his lawyer to execute all required documents at the settlement, since neither Mr. Libertucci nor his wife could attend because of their presence at his new duty station. Additionally, Mr. Libertucci is seeking to be reimbursed for the \$50 charged by his attorney for "Attendance at closing and acting as intermediary between the purchaser, the bank and you." The record also shows that the attorney acted as the escrow agent for the sale, disbursing the proceeds of the sale to the appropriate parties, apparently through the use of his "trustee account."

Both the above issues have been previously considered by this Office. In B-176876, November 27, 1972, we held that reimbursement of the cost of a power of attorney was proper where the employee was unable to attend the settlement because

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he had already reported to his new duty station. That would appear to be the case here, and we see no reason to modify our prior decision.

In B-173222, January 2, 1973, and B-174011, November 15, 1971, we held that an employee may be reimbursed for charges assessed by an attorney for conducting a settlement, as opposed to merely attending a settlement in an advisory capacity. Here the attorney actually conducted the settlement and acted as the escrow agent. These functions are within the scope of our prior decisions.

Accordingly, the voucher covering Mr. Libertucci's claim in the amount of \$125 may be certified for payment.

R.F.KELLER

Deputy

Comptroller General  
of the United States