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**DECISION**



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

**FILE: E-185827**

**DATE:**

1976

**MATTER OF: Joseph T. Grills - Miscellaneous Expense**

**DIGEST: 1. Amount forfeited under contract for orthodontic services at old duty station is reimbursable as miscellaneous expense where employee's transfer necessitated forfeiture. Cost of completion contract at new duty station may not be used as measure of forfeiture.**

**2. Cost of installation of pollution control device in automobile of employee transferred to California may be reimbursed as miscellaneous expense. California requires installation and certification of such devices on automobiles previously registered out of state prior to registration in California and installation may therefore be properly regarded as a necessary cost of automobile registration.**

This action is in response to a request by the Chief, Accounting Section, Office of Controller, Drug Enforcement Administration (DEA), for a determination by this Office of the propriety of payment of the claim of Mr. Joseph T. Grills, an employee of DEA, for the reimbursement of certain miscellaneous expenses incident to a transfer.

The record shows that in 1974 Mr. Grills was transferred by the DEA from Baltimore, Maryland, to San Diego, California. Prior to the transfer, Mr. Grills paid for orthodontistry services for his two sons under a contract which would have provided for their complete treatment had they remained in the Baltimore area. However, as a result of the relocation, it was necessary for the employee to obtain an orthodontic contract in San Diego at a cost of \$250 for completion of orthodontic work for one of his sons. Mr. Grills also had a pollution control device installed on his car at a cost of \$113.75 as a prerequisite to registration of his automobile in California. The agency denied payment of these items and authorized reimbursement of miscellaneous expenses in the amount of \$200, the maximum allowable without itemization. The employee has now

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reclaimed \$363.75 for the expense of installation of the pollution control device and the completion contract for orthodontic services, less the \$200 already reimbursed.

Section 5724a(b) of title 5, United States Code (1970), provides for the reimbursement to an employee of the miscellaneous expenses necessarily incurred incident to a transfer. The regulations issued under authority of this section are contained in section 2-3.1, et seq., of the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973). Paragraph 2-3.1(b) of the regulations lists the types of costs covered and provides in pertinent part as follows:

"b. Types of costs covered. The allowance is related to expenses that are common to living quarters, furnishings, household appliances, and to other general types of costs inherent in relocation of a place of residence. The types of costs intended to be reimbursed under the allowance include but are not limited to the following:

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"(5) Forfeiture losses on medical, dental and food locker contracts that are not transferrable; and

"(6) Costs of automobile registration, driver's license and use taxes imposed when bringing automobiles into certain jurisdictions."

In this case, it is clear that the employee's forfeiture under a fully paid contract for orthodontic services and the obtaining of a new contract was necessitated by his relocation to San Diego. The record contains a letter from the employee's first orthodontist attesting to the fact that treatment of the employee's dependents could have been completed under the forfeited contract had the employee's family remained in the Baltimore area. In these circumstances, we are of the opinion that the amount forfeited under the original contract may be reimbursed as a miscellaneous expense. However, the cost incurred

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by Mr. Grills for a completion orthodontic contract may not be used as a measure of that forfeiture. Computation of the amount allowable should be in accordance with our decision of today, B-185048, copy enclosed, wherein we state that we will not object to computation on a percentage completion basis.

Regarding Mr. Grill's claim for the expense of installation of a motor vehicle pollution control device as a cost of automobile registration, we generally have distinguished vehicle registration and inspection fees from costs incurred for parts replacement or repairs for the purpose of preparing an employee's automobile for inspection. See B-168582, January 19, 1970. We have stated that costs incurred for repairs and parts are not allowable since they relate to the operation of the vehicle rather than to its registration. B-168582, supra. We also have held nonreimbursable as a cost of preparing the vehicle for inspection the expense of replacing an automobile muffler which did not satisfy state requirements at a transferred employee's new duty station. B-163107, May 18, 1973. However, we have held reimbursable the analogous expense of attendance at a drivers training course for an employee's minor dependent, previously licensed in Ohio, as an expense of obtaining a driver's license where the Commonwealth of Virginia would only issue a license to a minor after completion of a Virginia-approved training course. B-178070, April 6, 1973.

The State of California has implemented more stringent automotive emission standards than most other jurisdictions. Under California state law certification that a vehicle previously registered in another state is equipped with an acceptable pollution control device is a mandatory prerequisite to registration in California. Ca. Veh. Code, § 4000.2 (1972), as amended. In these circumstances the cost of installation of a pollution control device is not, per se, a cost of replacement of parts or repairs related to operation of the vehicle or its preparation for registration. In fact the requirement for installation of such a device is such an integral part of the registration process that to distinguish its costs from other costs associated with registration would require an overly technical analysis. Therefore, while we still adhere to the rule that the cost of repairs and replacement parts for the purpose of meeting general state inspection requirements

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is not reimbursable, the expense of complying with the requirement imposed by the State of California for the installation of a pollution control device meeting standards unique to California as a precondition of vehicle registration may be reimbursed as a miscellaneous expense.

We note also that the employee's original claim was accompanied by documentation indicating that he incurred additional miscellaneous expenses in the aggregate amount of \$46.25 for installation of telephone (\$29), dog license (\$7.50), and drivers licenses (\$9.75). Accordingly, since the employee has documented reimbursable miscellaneous expenses in the total amount of \$160, and insofar as additional information may be furnished indicating that those expenses plus the amount forfeited under the original orthodontic contract exceed \$200, he may be reimbursed that amount, less the \$200 already reimbursed.

Paul G. Denbling

For: Comptroller General  
of the United States