

DECISION

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

GENERAL PLM I
8076

FILE: B-192186

DATE: October 23, 1978

MATTER OF: Clarence O. Stout - Real Estate Expenses -
Loan Discount Fee

DIGEST: Employee, who was transferred incident to reduction-in-force actions, claims reimbursement of loan discount fee incurred in purchase of residence at his new duty station. Even though employee was reassigned again when Civil Service Commission determined that transfer violated reduction-in-force regulations and was unauthorized, payment of claim is not authorized since payment is prohibited by Federal Travel Regulations which have force and effect of law.

This action is in response to a request for an advance decision from Major J.D. Heard, USA, Accounting and Finance Officer, Defense Contract Administration Services Region Atlanta, Defense Logistics Agency, concerning the claim of Clarence O. Stout for reimbursement of a loan discount fee of \$825 incurred by him in the purchase of a home incident to his permanent change of duty station. The request was forwarded to our Office by the Per Diem, Travel and Transportation Allowance Committee which assigned it PDTATAC Control No. 78-73.

Mr. Stout was denied the loan discount fee for his house purchase at his new duty station at Tullahoma, Tennessee, because reimbursement of such fees is prohibited by paragraph C 14002d, Volume 2 of the Joint Travel Regulations (JTR). His transfer to Tullahoma in December 1976 from his old duty station in Graham, North Carolina, resulted from reduction-in-force actions taken by the Defense Contract Administration Services Region Atlanta. On February 16, 1977, the U.S. Civil Service Commission ruled that pursuant to reduction-in-force procedures another employee should have been reassigned to Tullahoma, Mr. Stout's transfer there was improper, and Mr. Stout should have been transferred to Marietta, Georgia. As a result of the Commission's ruling, Mr. Stout was transferred from Tullahoma to Marietta, Georgia, in April 1977. Mr. Stout believes he should be reimbursed the loan discount fee because he incurred it as a result of administrative error in transferring him to Tullahoma.

The prohibition in 2 JTR para. C 14002d (change 131, September 1, 1976) against payment of loan discount fees incurred for the purchase of a residence incident to a permanent change of station implements the same prohibition in paragraph 2-5.2d of the Federal Travel Regulations (FPMR, May 1973). The Federal Travel Regulations, promulgated by the General Services Administration, are authorized by 5 U.S.C. § 5724a and have the force and effect of law. They may not be waived or modified by either

B-192186

our Office or the agency. Matter of Robert E. Donnelly, B-188292, July 8, 1977.

In view of the above, payment of the claim is not authorized.

R. G. K. 11/22
Deputy Comptroller General
of the United States