

Mr. Kirkpatrick

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**DECISION**



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

FILE: B-199042

DATE: March 3, 1981

MATTER OF: James W. Byron - *[Claim For]* Real estate expenses -  
occupying residence *]*

**DIGEST:** An employee is not entitled to real estate selling expenses when he sold his residence before he was selected for transfer to an FBI position requiring a permanent change of station after temporary training. He did not reside in the residence when he was first definitely notified by competent authority that his permanent duty station would be changed. His claim is barred by paragraph 2-6.1d of the Federal Travel Regulations.

The issue in this case is whether real estate expenses may be paid to an employee even though he vacated and sold his residence before being offered a transfer to another agency requiring him to change his permanent duty station.

Mr. James W. Byron, while employed by the Internal Revenue Service in Boston, Massachusetts, applied for an appointment with the Federal Bureau of Investigation (FBI) as a special agent on April 8, 1976. The FBI by letter of January 19, 1977, notified Mr. Byron that because of unforeseen budgetary considerations the FBI could not make appointments until after fiscal year 1977 ending September 30, 1977. Despite this notice, Mr. Byron sold his residence in Braintree, Massachusetts, on April 27, 1977, and moved into an apartment with his family. He did not receive an official offer of an FBI appointment until November 16, 1977. He then transferred from the Internal Revenue Service to the FBI without a break in service and immediately began special agent training at Quantico, Virginia. After this temporary duty training, the FBI assigned him to his new permanent duty station in Pittsburgh, Pennsylvania, on March 9, 1978.

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[The FBI denied reimbursement of real estate selling expenses because the dwelling in question was not Mr. Byron's residence "at the time he was first definitely informed by competent authority of his transfer."] This requirement is expressly stated in paragraph 2-6.1d of the Federal Travel Regulations (FTR), FPMR 101-7, May 1973. The FBI certifying officer referred to our decision B-177643, April 9, 1973, denying reimbursement [where the mere possibility of a relocation at the time the employee left his residence failed to satisfy the requirement] of paragraph 2-6.1d.

[We have said that the employee is "definitely informed" of a relocation] within the meaning of FTR paragraph 2-6.1d [when, at the time of selection for training, the employee is virtually assured that his permanent duty station will be changed upon completion of training. In that event, [the employee may vacate and sell his home immediately after notice or selection, even though the permanent duty station is not assigned until training is completed.] The employee is reimbursed in these cases only after he arrives at the new permanent duty station. See B-161795, June 29, 1967; Phillip G. Whisnant, B-183597, September 3, 1975. [In the present case, however, the FBI had yet to hire Mr. Byron when he sold his residence.]

We have considered the additional facts offered by Mr. Byron, but our decisions do not establish any basis for allowing his claim. Consequently, [we have no reason to disagree with the agency's determination denying reimbursement because Mr. Byron did not reside in the home at the time he was first definitely informed of a permanent change of station.

Accordingly, no payment may be made for the real estate expenses incurred by Mr. Byron.]

*Milton J. Fowler*

Acting Comptroller General  
of the United States