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**DECISION**

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

**FILE:** B-202200

**DATE:** August 18, 1981

**MATTER OF:** S. Jamie Herrera - Expenses for sale of residence

**DIGEST:** Employee of the Federal Mediation and Conciliation Service, transferred from Houston to San Antonio, was authorized travel, per diem, relocation, and miscellaneous expenses, but not real estate expenses apparently due to budgetary constraints. He is entitled to reimbursement of real estate expenses in accordance with Part 6, Chapter 2 of the Federal Travel Regulations (FTR). The FTR's contemplate that certain expenses will be uniformly allowed to all transferred employees, and budgetary constraints are not an acceptable reason for denying expenses permitted by regulation.

By a letter dated February 12, 1981, Mr. Richard J. Laylor, an Authorized Certifying Officer with the Federal Mediation and Conciliation Service, requested an advance decision regarding the reclaim voucher of Mr. S. Jamie Herrera for the expenses of selling a residence at his old duty station. For the reasons stated below the voucher may be certified for payment in accordance with Part 6, Chapter 2 of the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973).

The facts of this case are as follows. In the spring of 1980 the Federal Mediation and Conciliation Service opened a new field office in San Antonio, Texas. Mr. Herrera, an employee of the Service in Houston, requested a transfer to the new office. The request for the transfer was approved, and the employee was authorized travel expenses, per diem, moving expenses, and miscellaneous expenses of \$100. Apparently for budgetary reasons he was not authorized expenses for the sale of his residence in Houston. Mr. Herrera signed a service agreement May 29, 1980, and an authorization for travel was issued June 18, 1980. After the transfer Mr. Herrera requested reimbursement for the costs of selling his residence in Houston. The certifying officer inquires whether Mr. Herrera is entitled to reimbursement of real estate expenses since they were not originally authorized.

*Entitlement to Reimbursement of Real Estate Expenses*  
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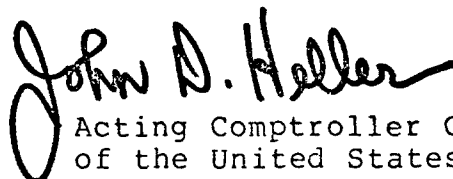
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Relocation expenses for Federal employees are governed by Chapter 2 of the Federal Travel Regulations. Expenses for the sale of a residence at the old duty station and the purchase of a residence at the new duty station are covered in Part 6 of Chapter 2. We have denied an employee's request for reimbursement of these expenses where the transfer was solely for employee's benefit and not in the interest of the Government. However, that is not an issue here, since certain relocation expenses were authorized. Mr. Herrera has signed a service agreement and has been reimbursed by his agency for other allowable relocation expenses under Chapter 2 of the Federal Travel Regulations. The only question is whether the agency can reimburse the employee for some relocation expenses while denying reimbursement of others.

This matter is well settled. Mr. Herrera is entitled to reimbursement of expenses for the sale of a residence at his old duty station in accordance with the provisions of Part 6, Chapter 2, Federal Travel Regulations. Although some relocation expenses are discretionary, we stated in Matter of Residence Transaction Expenses, 55 Comp. Gen. 613, 614 (1976), that the Regulations "contemplate that certain allowances will be allowed uniformly to transferred employees." The expenses authorized in Part 6 in connection with residence transactions fall into this category, and the Federal Mediation and Conciliation Service has no discretion to reduce or change benefits otherwise provided by regulation. In this regard we also point out that budgetary constraints are not an acceptable reason for the denial of relocation expenses to a transferred employee. Matter of Goodyear, 56 Comp. Gen. 709 (1977).

In conclusion we note that Mr. Herrera was authorized \$100 in miscellaneous expenses, the amount provided by FTR para. 2-3.3a(1) for employees without an immediate family. Since he has an immediate family, Mr. Herrera's miscellaneous expenses should be determined under para. 2-3.3a(2).

Accordingly, the voucher may be certified in accordance with the above.

  
Acting Comptroller General  
of the United States