

**DECISION**

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

**FILE:** B-202402**DATE:** November 5, 1981**MATTER OF:** C. Curtis Johnson - Reimbursement for  
Real Estate Expenses

**DIGEST:** Initial 1-year period allowed by Federal Travel Regulations (FTR) for completion of sale of employee's former residence was extended for additional period of 1 year as provided by FTR. Even in presence of extenuating circumstances, no further extension of time for completion of sale may be granted since FTR issued by Administrator, General Services Administration have force and effect of law, and may not be waived by any department of Government in individual case.

This decision is in response to a request for an advance decision by Mr. Kevin E. McNiff, Director, Financial Division, Department of Energy (DOE), Strategic Petroleum Reserve Project Management Office, New Orleans, Louisiana. The issue presented is whether the time limitation contained in paragraph 2-6.1e of the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973) for the completion of the sale of an employee's former residence may be extended for a second time. For the following reasons, we hold that it may not be so extended.

Mr. C. Curtis Johnson was hired by DOE on February 12, 1979, to work in the office mentioned above. Prior to his employment by DOE, Mr. Johnson had been employed by the National Aeronautics and Space Administration. When his residence had not been sold by February 1980, he sought and obtained a 1-year extension of the initial time limit of 1-year prescribed in his agency's travel regulations. He has made several attempts to sell his former residence, but without success. On February 3, 1981, he applied for a second 1-year extension of the time limit for the completion of the sale of his former residence, and presented several reasons why, despite his efforts, his former residence remains unsold. In addition, the Director, Financial Division has stated that the responsibilities of Mr. Johnson's work at DOE placed severe constraints on the time which he could have used for selling his former residence.

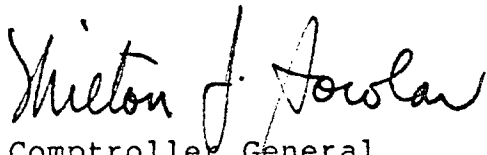
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The reimbursement of Federal employees for residence transactions is provided for by statute. 5 U.S.C. § 5724a (1976). The regulation under which Mr. Johnson seeks a second extension is found in section 2-6.1e of the DOE Manual, Appendix 1501, Part VI, Annex A. This section is identical in wording to paragraph 2-6.1e of the FTR which provides:

"e. Time limitation. The settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested are not later than 1 (initial) year after the date on which the employee reported for duty at the new official station. Upon an employee's written request this time limit for completion of the sale and purchase or lease termination transaction may be extended by the head of the agency or his designee for an additional period of time, not to exceed 1 year, regardless of the reasons therefor so long as it is determined that the particular residence transaction is reasonably related to the transfer of official station."

As the above quotation makes clear, the additional period of time, after the initial 1-year period, may not be extended beyond 1 year. In the present case, this additional period has already expired. While it is unfortunate that Mr. Johnson has experienced difficulties in selling his former residence, the Federal Travel Regulations issued pursuant to 5 U.S.C. § 5724a (1976), have the force and effect of law, and may not be waived by any department of the Government in an individual case. Jerry O. Hays, B-197501, May 12, 1980; Alister L. McCoy, B-195556, February 19, 1980.

Accordingly, Mr. Johnson is not entitled to reimbursement under paragraph 2-6.1e of the FTR since he did not sell his former residence within the prescribed 2-year period.

for   
Comptroller General  
of the United States