

**DECISION**

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

**FILE:** B-208817

**DATE:** January 18, 1983

**MATTER OF:** Lawrence F. Miller - Real Estate  
Expenses - Payment Requirement

**DIGEST:** Employee of Department of Housing and Urban Development who transferred from Kansas City, Missouri, to Washington, D.C., seeks reimbursement of real estate expenses incurred in sale of residence at old duty station. Expenses claimed were paid by wife's employer. Since the claimed expenses were actually paid by a third party, not by the transferred employee, no entitlement to reimbursement exists under para. 2-6.1f of Federal Travel Regulations.

Mr. Lawrence F. Miller, an employee of the Department of Housing and Urban Development (HUD), has appealed the action of our Claims Group which by Settlement Certificate Z-2834146 dated July 2, 1982, disallowed his claim for real estate expenses incident to his change of official duty station from Kansas City, Missouri, to Washington, D.C., in June 1980. For the following reasons we sustain the denial of Mr. Miller's claim by the Claims Group.

The pertinent facts and circumstances involved in this claim are as follows: Pursuant to Mr. Miller's transfer to Washington, D.C., which was initiated by HUD, he incurred expenses in the sale of his residence in Kansas City which totaled \$9,256. These are the expenses now being claimed.

After Mr. Miller relocated to the Washington area, his wife sought and obtained employment with a private corporation. It is reported that Mrs. Miller was informed by her employer that she would not be reimbursed for the real estate expenses incurred in selling their house in Kansas City. However, upon her successfully attaining "stature" within her company, her employer paid the expenses for which Mr. Miller now seeks reimbursement.

The statutory authority for reimbursing a Federal employee for expenses incurred in the sale and purchase of residences at his old and new duty stations is contained in

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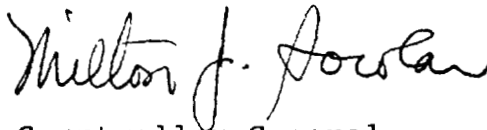
5 U.S.C. § 5724a(a)(4) (1976). The implementing regulations, paragraph 2-6.1f, Federal Travel Regulations, FPMR 101-7 (May 1973) (FTR), expressly state that:

"\* \* \* The expenses for which reimbursement is claimed were paid by the employee. If any expenses were shared by persons other than the employee, reimbursement is limited to the portion actually paid by the employee.\* \* \* "

In our opinion, the purpose of 5 U.S.C. § 5724a(a)(4) (1976) and the regulations is to reimburse transferred employees only for real estate expenses incurred and actually paid by the employee but not to reimburse the employee for such expenses which have been paid by a third party. Carl A. Gidlund, 60 Comp. Gen. 141 (1980); Gidlund, B-197781, September 8, 1982; Reverend Richard A. Houlahan, B-192583, March 14, 1979.

Further, the legislative history of 5 U.S.C. § 5724a(a)(4) contained in Senate Report No. 1357, 89th Congress, 2nd Sess., states that the bill would enable the Government to more nearly meet the actual expenses incurred by the transferred employee who is uprooted and moved in the interest of the Government. Here, the claimed real estate expenses were actually paid by a third party, Mrs. Miller's employer, not by Mr. Miller, the transferred Federal employee. Hence, there is no entitlement to reimbursement under the cited law and regulations.

Accordingly, our Claims Group settlement of July 2, 1982, which denied reimbursement of Mr. Miller's claimed real estate expenses, is sustained.

*for*   
Comptroller General  
of the United States