

**DECISION**



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

**FILE:** B-221657

**DATE:** March 25, 1986

**MATTER OF:** Daniel A. Grover - Real Estate Expenses - Post  
of Duty Outside United States

**DIGEST:**

1. Employee relocating to St. Louis, Missouri, from a foreign post of duty may not be reimbursed for cost of breaking lease at prior duty station and cost of purchasing new home at new duty station. Both the old and new duty stations of a transferred employee must be located within the United States, and its territories and possessions to entitle him to reimbursement for real estate expenses under 5 U.S.C. § 5724a(a)(4).
  
2. Even if employee was advised incorrectly by agency financial management officials that he was entitled to reimbursement for expenses incurred for breaking a lease and purchasing a home at his new duty station, there is still no basis for reimbursement where no statutory authority exists, since the Government may not be bound by the erroneous acts or advice of its employees.

Mr. Thomas E. Garrison, an authorized certifying official of the Department of the Treasury, Customs Service, requests a decision concerning Daniel A. Grover, an employee of the Customs Service, on the propriety of the disallowance of real estate expenses in connection with a relocation. The United States Customs Service Financial Management Division did not approve the reimbursement of real estate expenses based on 5 U.S.C. § 5724a(a)(4) (1982), and the implementing regulations in paragraph 2-6-1a of the Federal Travel Regulations, FPMR 101-7 (Sept. 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1985). We hold that the real estate expenses may not be reimbursed.

Mr. Grover received a letter of acceptance dated April 24, 1985, confirming his relocation from the Port of

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Montreal, Canada, to St. Louis, Missouri, as a customs inspector. The letter specifically advised him that movement of his household goods as well as travel and transportation expenses for him and his family had been authorized. A travel kit was also included which contained forms to be completed and detailed information regarding expense allowances.

Mr. Grover filed a voucher with the United States Customs National Finance Center, Indianapolis, Indiana, in September 1985. His claim for real estate expenses, incurred due to breaking a lease in Canada and purchasing a home in St. Louis, was disallowed. Upon review of the circumstances the Finance Center maintained its position, and Mr. Grover has requested a decision from our Office in seeking to be reimbursed the \$2,731.70 of disallowed real estate expenses.

The authority for payment of real estate expenses incurred when relocating is contained in 5 U.S.C. § 5724a(a)(4) (1982) which provides that full or partial reimbursement may be made for:

"Expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old station and purchase of a home at the new official station required to be paid by him when the old and new official stations are located within the United States, its territories or possessions \* \* \*."

Since Mr. Grover's old duty station was outside the United States, there is no authority by which he may be authorized reimbursement of real estate expenses. See Roy Simpson, B-204951, March 4, 1982.

Mr. Grover stresses that he reasonably believed that his real estate expenses would be reimbursed based on advice given to him by the Customs Service Financial Management Division of Chicago. Whether he interpreted the officials' advice in a reasonable manner is not in question because no authority exists for an official of the United States to authorize entitlements which are precluded from being paid by statute and regulations. It is well established that the Government is not bound by the erroneous acts or advice of its employees even though committed in

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the course of their official duties. Joseph A. Kiehl, B-213833, May 29, 1984, and Milton S. Mintz, B-208473, October 20, 1982.

Accordingly, while it is unfortunate that a misunderstanding may have occurred, there is no authority for reimbursement of Mr. Grover's real estate expenses.

*for Milton J. Jordan*  
Comptroller General  
of the United States