



The Comptroller General
of the United States

Washington, D.C. 20548

Subject - PLM

Decision

Matter of: Robert J. Jaske - Real Estate Expenses -
Purchase After 3-Year Period
File: B-227466
Date: December 4, 1987

DIGEST

A transferred employee whose settlement date for the purchase of a residence at his new duty station occurred after the maximum 3-year period had elapsed is not entitled to reimbursement of real estate purchase expenses, even though he signed a purchase contract before the 3-year period expired. Travel regulations require a settlement date within 2 years after reporting to the new duty station, plus a maximum 1-year extension. Settlement date is the day the contract price is paid and the deed or title conveyed, not the date of the contract agreeing to a future settlement date.

DECISION

In this decision, we hold that Mr. Robert J. Jaske, an employee of the Bureau of Land Management, United States Department of the Interior, is not entitled to reimbursement of real estate expenses for the purchase of a residence at his new duty station.^{1/}

Mr. Jaske changed his permanent duty station from Menlo Park, California, to Sacramento, California, where he reported for duty on July 13, 1983. By memorandum of May 10, 1985, he requested a 1-year extension of the 2-year deadline after his reporting date for effecting settlement on a new residence in order to qualify for reimbursement of real estate expenses. The Bureau of Land Management granted his request, and the maximum limitation period was extended through July 13, 1986. Mr. Jaske contracted to purchase his residence in Sacramento on July 12, 1986, the day before the extended

^{1/} Mr. Jerry A. Fries, Authorized Certifying Officer, Bureau of Land Management, requested our decision.

040775


limitation period expired. However, the settlement did not occur until October 10, 1986.

Based on the settlement date of October 10, 1986, the Bureau of Land Management denied the claim for the real estate expenses, since that date was beyond the maximum limit of the eligibility period which had ended on July 13, 1986.

The denial was correct and required under the applicable regulations promulgated by the General Services Administration. They provide that reimbursement is limited to real estate expenses where the "settlement dates for the sale and purchase * * * are not later than 2 years after the date on which the employee reported for duty at the new official station," but the time may be extended for an additional period "not to exceed 1 year." Federal Travel Regulations, para. 2-6.1e, incorp. by ref., 41 C.F.R. § 101-7.003.

Even though the employee may be unable to complete the sale or purchase within the limitation period for reasons beyond the employee's control, the Federal Travel Regulations may not be waived or modified by this Office or the agency concerned. James H. Gordon, 62 Comp. Gen. 264 (1983). Further, we have held that the "settlement dates" for the sale and purchase refer to the closing of the real estate transaction by the payment of the contract price and the conveyance of the deed or title to the purchaser. A contract for sale, which is no more than an agreement to transact the closing in the future, is not a "settlement" within the meaning of FTR, para. 2-6.1e. Glenn A. Kovar, B-186003, October 4, 1976.

Mr. Jaske's settlement date occurred after the expiration of the 1-year extension granted to him; therefore, he is not entitled to real estate purchase expenses.



Astoring Comptroller General
of the United States