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DECISION

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

GA00041

Claim for Reimbursement of Increased Tuition Expenses Resulting From Change of Official Station **8871**

FILE: B-192471

DATE: January 17, 1979

MATTER OF: John A. Lund, Jr. - Miscellaneous expenses -
Tuition payments

DIGEST: Employee of Drug Enforcement Administration, Department of Justice, claims reimbursement for difference between in-state tuition at University of Maryland and out-of-state tuition at University of Colorado, on behalf of his son, incident to employee's change of official station from Baltimore, Maryland, to Denver, Colorado. Reimbursement may not be authorized since such expenses are not among the miscellaneous expenses contemplated in paragraph 2-3.1b of FTR.

This action arises from a request by Mr. Edwin J. Fost, Chief, Accounting Section, Office of the Controller, Drug Enforcement Administration (DEA), United States Department of Justice, for a determination as to whether a supplemental travel voucher in the amount of \$1,672, submitted by Mr. John A. Lund, Jr., an employee of the agency, may be certified for payment. Mr. Lund is claiming reimbursement for the difference between in-state tuition at the University of Maryland and out-of-state tuition at the University of Colorado, on behalf of his son, John S. Lund, incident to his change of official station from Baltimore, Maryland, to Denver, Colorado, by travel authorization dated June 3, 1977.

Mr. Lund makes the following explanation and contentions in support of his claim:

"I am claiming reimbursement for the difference between in-state tuition at the University of Maryland and out-of-state tuition at the University of Colorado on behalf of my son, John S. Lund, who is financially dependent on me and is claimed as an exemption on my state and federal income tax returns. He does not receive half or more than half of his support from any other person.

"Prior to notification of my transfer to Denver I entered into a housing contract on May 26, 1977 with the University of Maryland on behalf of this dependent to begin his college education for the fall semester 1977. Following notification of

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my transfer, the University was requested to cancel our contract, and the deposit of \$50.00 was forfeited (see exhibits 3, 3a and 3b). As noted in exhibit 3b, we did not advise the University of Maryland of cancellation prior to July 1, 1977, since we were unable to verify enrollment at the University of Colorado until after the cut-off date had passed.

"It is my position that we entered into an educational contract with the University of Maryland which would have allowed for in-state student status, and the submitted claim for reimbursement of the difference between in-state and out-of-state tuition is proper under * * * the Federal Travel Regulations:

* * * * *

"I know it could be argued that we had the option to leave our dependent son behind to attend the University of Maryland. However, his student status would have immediately changed to out-of-state upon my taking up residence in the State of Colorado.

"Because of my transfer, he was, in effect, a student without established residency in any state. The added expense was inherent to relocating and establishing residence at my new Colorado duty station. (* * * last available day for registration was September 7, 1977.)"

The record discloses that Mr. Lund claimed itemized miscellaneous expenses amounting to \$1,865.45 which included tuition expenses of \$1,722 for his son, John S. Lund. By memorandum dated March 15, 1978, DEA advised the employee that tuition expenses may not be reimbursed. However, reimbursement in the sum of \$200 was made for miscellaneous expenses, without itemization.

Paragraph 2-3.1b of the Federal Travel Regulations (FPMR 101-7) (May 1973), provides, in pertinent part, allowances for miscellaneous expenses as follows:

"* * * The allowance is related to expenses that are common to living quarters, furnishings, household appliances, and to other general types of costs inherent in relocation of a place of

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residence. The types of costs intended to be reimbursed under the allowance include but are not limited to the following:

"(1) Fees for disconnecting and connecting appliances, equipment, and utilities involved in relocation and costs of converting appliances for operation on available utilities;

"(2) Fees for unblocking and blocking and related expenses in connection with relocating a mobile home, but not the transportation expenses allowed under 2-7.3;

"(3) Fees for cutting and fitting rugs, draperies, and curtains moved from one residence quarters to another;


"(4) Utility fees or deposits that are not offset by eventual refunds;

"(5) Forfeiture losses on medical, dental, and food locker contracts that are not transferable; and

"(6) Costs of automobile registration, driver's license, and use taxes imposed when bringing automobiles into certain jurisdictions."

In B-162828, November 16, 1967, we concluded that tuition expenses do not come within any of the categories enumerated in the above-quoted regulation and are not expenses that are common to "living quarters, furnishings and household appliances." It was stated that while it is true that the additional tuition expenses might not have been incurred "but for" the employee's permanent change of official station, such costs are not contemplated as being reimbursable under the above-referenced regulation. See also Matter of Stanley F. Savoy, B-186346, January 3, 1977.

Accordingly, the supplemental voucher submitted by Mr. Lund is returned and may not be certified for payment.


Deputy Comptroller General
of the United States