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DECISION

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

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FILE: B-186435 DATE: February 23, 1979

MATTER OF: Walter V. Smith - Reimbursement of Relocation Expenses

DIGEST: Transferred employee requests reconsideration of disallowance of claim for reimbursement of cost of hooking up ice maker and for $185 spent in settling lease required because of move from private to Government quarters at new station. Employee is not entitled to reimbursement for ice maker hook up since he was reimbursed $200 for miscellaneous expenses allowance and has not submitted documentation of expenses greater than $200. Employee is not entitled to reimbursement for $185 since statute and regulations provide for such reimbursement only at old duty station.

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This decision is in response to a request from Mr. Walter V. Smith, an employee of the U.S. Army, for reconsideration of Comptroller General decision B-186435, October 13, 1977, which sustained our Claims Division's disallowance of his claim for certain expenses incurred incident to his transfer to the Canal Zone. Mr. Smith has specifically requested that we reconsider our denial of his claim for reimbursement of the cost of hooking up an ice maker and for reimbursement of the $185 expenditure he incurred when he settled a lease in connection with his move from privately-owned quarters to Government quarters.

In our earlier decision we denied reimbursement for the hook up of the ice maker, stating that it appeared to involve a structural change and therefore fell within the purview of Federal Travel regulations (FTR) (FPMR 101-7, May 1973) para. 2-3.1c(13) which, in pertinent part, prohibits reimbursement for "cost incurred in connection with structural alterations, remodeling or modernizing of living quarters, garages or other buildings to accommodate privately-owned automobiles, appliances or equipment * * *." We also stated that if the item could be allowed under FTR para. 2-3.1b(1), it would only be paid if Mr. Smith submitted evidence of miscellaneous expenses in excess of the $200 miscellaneous expense already paid to him.

In Matter of Prescott A. Berry, B-191662 December 28, 1978, we denied an employee's claim for reimbursement of the expenses

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of connecting an ice-maker water line since that process involved drilling a hole through a wall in order to attach the refrigerator tubing to the main water line. We recognize that in some instances, hooking up an ice maker would not involve any structural alteration or remodeling. However, even if this were true in Mr. Smith's case he would not be entitled to reimbursement. Under the provisions of FTR para. 2-3.3b an employee with immediate family who has been reimbursed $200 a miscellaneous expenses allowance under 2-3.3a(2) may not receive further reimbursement unless documentation is provided for all expenses showing that they exceed $200. B-174648, January 18, 1972, and B-173365, September 3, 1971. The record shows that Mr. Smith received a $200 miscellaneous expenses allowance and has not submitted evidence of expenses in excess of that amount. Therefore, no additional allowance is payable.

The record shows that Mr. Smith was living in private quarters when notified that Government quarters were available. He was apparently required to move immediately and, therefore, was unable to give the required 30 days notice to his landlord. The landlord was able to rent the apartment again and charged Mr. Smith for 11 days of rent instead of 30. He also charged Mr. Smith ½ of the regular maintenance charge. We denied Mr. Smith's claim for reimbursement of this amount on the basis of FTR para. 2-6.2h which provides in pertinent part:

> "Settlement of an unexpired lease. Expenses incurred for settling an unexpired lease (including month-to-month rental) on residence quarters occupied by the employee at the old official station may include broker's fees for obtaining a sublease or charges for advertising an unexpired lease. Such expenses are reimbursable when (1) applicable laws or the terms of the lease provide for payment of settlement expenses, (2) such expenses cannot be avoided by sublease or other arrangement, (3) the employee has not contributed to the expense by failing to give appropriate lease termination notice promptly after he has definite knowledge of the transfer, and (4) the broker's fees or advertising charges are not in excess of those customarily charged for comparable services in that locality. * * *"

The above regulation was promulgated to implement 5 U.S.C. 5724a(a)(4) which provides in pertinent part as follows:

"(a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of all or part of the following expenses of an employee for whom the Government pays expenses of travel and transportation under section 5724(a) of this title:

* * * * *

"(4) 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." (Emphasis added.)

The cited provisions make clear that it was the intent of the statute and implementing regulations to provide reimbursement only for costs of lease termination which occurred at the old duty station. See B-173973, October 1, 1971. Consequently, there is no authority for an employee to obtain reimbursement for a lease termination which takes place at his new duty station. Mr. Smith claims that in his case there was no cancellation of a lease. It is clear, however, that he had a lease and that he paid $185 because he moved without giving 30 days notice which was required by the lease. Therefore, the payment must be considered a payment in settlement of his lease which is not reimbursable.

In view of the above the disallowance of the items in question in our prior decision is affirmed.

Deputy Comptroller General
of the United States