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**DECISION**



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

FILE: B-196202

DATE: March 12, 1980

MATTER OF: Allyn T. Baskerville *(REQUEST FOR)*  
Relocation Expenses ]

**DIGEST:** Employee may not be authorized payment of realtor's fee for sale of land incident to permanent change of station where employee did not construct home on property since land alone cannot be defined as residence from which employee regularly commutes to and from work. However, deposit forfeited on purchase of modular home may be reimbursed as miscellaneous expense to extent authorized under para. 2-3.3a and b of FTR.

This advance decision is rendered at the request of Mr. D. E. Cox, an authorized certifying officer of the Federal Bureau of Investigation, as to the propriety of certifying for payment a voucher in favor of Mr. Allyn T. Baskerville, a Bureau employee, for realtor's fees incurred in connection with a permanent change of station.

*AGC 00004*

On March 10, 1976, Mr. Baskerville was transferred from Anchorage, Alaska, to Juneau, Alaska. He did not purchase a residence in Juneau at that time. In January 1978, Mr. Baskerville purchased land in Juneau for the purpose of having a residence constructed. On March 26, 1978, Mr. Baskerville was transferred from Juneau to Albuquerque, New Mexico. He sold the land in July 1979 and has submitted a voucher and requested reimbursement of \$2,020 for a realtor's fee.

The authority for reimbursement of real estate expenses incurred by an employee pursuant to a transfer of official duty station is contained in 5 U.S.C. § 5724a (1976) and in the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973). Under the statute and regulations, an employee may be authorized reimbursement for expenses incurred in the sale of a residence at the old official duty station, when incident to a transfer. But the "official station" is defined in para. 2-1.4i of the FTR as the residence or other quarters from which the employee regularly commutes to and from work.

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This Office has in the past allowed reimbursement for the expenses of selling a house where the action of the Government in transferring an employee was responsible for the fact that the employee was never able to occupy the dwelling. B-168818, February 9, 1970, and B-168186, November 24, 1969. However, in those cases the employee was forced to go through with the purchase of a dwelling. In this case, Mr. Baskerville purchased only the land and did not continue on with the construction or placement of a home on the property. In these circumstances we do not believe that the land alone can be defined as the residence or quarters from which the employee regularly commutes to and from work. Cf. George D. Thomas, B-191920, December 26, 1978, where the employee breached a contract of sale and did not go through with a planned purchase.

Therefore, Mr. Baskerville may not be authorized payment of \$2,020 for a realtor's fee, and payment of the voucher is denied.

However, Mr. Baskerville says, in the same letter, that he lost a deposit on the purchase of a modular home that was to be constructed in Seattle, Washington, and shipped to Juneau by barge. This Office has in the past permitted reimbursement of forfeited deposits as a miscellaneous expense pursuant to FTR para. 2-3.1 et seq. Steven W. Hoffman, B-193280, May 8, 1979; David D. Lombardo, B-190764, April 14, 1978; Mark S. Siegler, B-180377, August 8, 1974.

Accordingly, we would not object to the reimbursement of the deposit forfeited by Mr. Baskerville to the extent authorized by FTR paras. 2-3.3a and 2-3.3b.



For the Comptroller General  
of the United States