The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Jose A. H. Pino

File: B-214767.2

Date: October 26, 1989

DECISION

This decision is in response to an appeal by Mr. Jose A. H. Pino, an employee of the Federal Aviation Administration (FAA), from our Claims Group action which denied his claim of $7,840 for reimbursement of relocation expenses on the sale of his residence in Farmington, New Mexico.1/ For the following reasons, we reverse our Claims Group's action and grant his claim.

On April 21, 1983, Mr. Pino was given an SF-50 reassigning him from the Las Vegas, New Mexico, Flight Service Station (FSS) to the San Antonio, Texas FSS. Mr. Pino also received a travel order to the same effect. He reported for duty at his new FSS on April 25, 1983. Mr. Pino owned two homes at the time of this transfer. However, the evidence in the record, especially travel order 3120-126, dated March 31, 1983, clearly shows in the period immediately preceding his permanent change of station (PCS) to San Antonio, that Mr. Pino was living at his second residence in Farmington, and commuting from there to the Las Vegas FSS.

The conditions under which employees are allowed reimbursement for expenses incurred in connection with residence transactions are stated in FTR, para. 2-6.1 (Supp. 4, Aug. 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1983), which provides that the dwelling for which reimbursement of selling expenses is claimed must be the employee's residence at the time he was first definitely informed by competent authority of his transfer to the new official station. In conjunction with FTR, para. 2-1.4i, these FTR provisions require that the residence which is sold be situated at the employee's old "official station." This latter term is defined in FTR, para. 2-1.4i as the

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1/ Settlement Certificate Z-2854735, Sept. 18, 1987.

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residence or quarters from which the employee regularly commutes to and from work. See John E. Wright, 64 Comp. Gen. 268 (1985) and Robert C. Kelly, B-189998, Mar. 22, 1978.

As indicated previously, Mr. Pino's Farmington residence meets the FTR criteria. After his transfer, he sold this residence, and the settlement took place on September 30, 1983. This is the only residence sale for which he is claiming reimbursement. Thus, under the FTR provisions cited above, we hold that he is entitled to be reimbursed for the expenses of selling his residence in Farmington.

James F. Hinchman
General Counsel