



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Carol J. Carter
File: B-237947
Date: January 18, 1990

DECISION

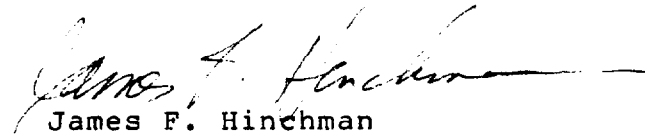
A certifying officer for the Department of Health and Human Services requests an advance decision whether Ms. Carol J. Carter's claim for a forfeited real estate deposit may be separately paid as a residential transaction selling expense rather than being included in the miscellaneous expenses category for relocations. Ms. Carter had contracted to buy a house at her old duty station when she responded to a vacancy announcement, accepted a new job, and then transferred to a new duty station in 1987. The transfer caused the forfeiture of her \$500 real estate deposit when she decided not to go through with the contract to purchase the new house at the old duty station. That new house was never her residence.

A forfeited real estate deposit may not be claimed as a real estate selling expense under 5 U.S.C. § 5724a(a)(4) and its implementing regulations because those provisions only authorize reimbursement of expenses pertaining to an employee's residence. However, the forfeited deposit may be claimed under the miscellaneous expense allowance for transfers provided by 5 U.S.C. § 5724a(b) (1982) and implementing regulations in the Federal Travel Regulations (FTR), para. 2-3.3 (Supp. 4, Aug. 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1987). Gary R. Evans, B-233673, Nov. 7, 1989; Ralph A. Neeper, B-195920, June 30, 1980.

Ms. Carter already has been paid the lump-sum \$700 miscellaneous expense allowance prescribed in FTR para. 2-3.3a, which is payable without documentation of actual expenses incurred. Although under FTR, para. 2-3.3b greater reimbursement may be made for miscellaneous expenses than the \$700 allowance already paid,

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that subparagraph requires that all the claimed expenses be documented. While Ms. Carter has documentation of the \$500 deposit, she states that because her agency did not inform her that the deposit would have to be reimbursed under the miscellaneous expense allowance, she was not anticipating exceeding the \$700 allowance and did not save records of her other miscellaneous expenses. However, the regulations make no exception to the documentation requirement. Therefore, regardless of the incomplete advice Ms. Carter may have received, she may be reimbursed no more than the \$700 allowance without documenting all the expenses claimed. Walter V. Smith, B-186435, Feb. 23, 1979.


James F. Hinchman
General Counsel