



Comptroller General
of the United States
Washington, D.C. 20548

Decision

Matter of: Paul E. Thompson
File: B-252445
Date: June 15, 1993

DIGEST

A transferred employee secured the services of a real estate broker to assist him in locating a permanent residence at his new duty station. He seeks reimbursement for the fee he paid the broker as a miscellaneous expense allowance item under Part 302-3 of the Federal Travel Regulation (FTR). The claim is denied. Section 302-3.1(c) of the FTR provides that the miscellaneous expense allowance shall not be used to reimburse an employee for expenses incurred which are disallowed elsewhere in the regulations. Section 302-6.2(a) of the FTR provides that a broker's fee or commission paid by the employee in connection with the purchase of a residence at the new station may not be reimbursed. James A. Holmes, B-241986, Aug. 15, 1991.

DECISION

This decision is in response to a request from the Director, Budget and Finance Division, Food Safety and Inspection Service, Department of Agriculture.¹ It concerns the entitlement of Dr. Paul E. Thompson to be reimbursed a real estate "finder's fee" as a miscellaneous expense allowance item incident to a permanent change of station in August-September 1991. For the following reasons, we conclude that he may not be reimbursed.

Dr. Thompson, an employee of the Food Safety and Inspection Service, secured the services of a realtor to assist him in locating permanent quarters in the vicinity of his new duty station. He paid the realtor \$345 for his efforts and claimed the expense as a reimbursement under his miscellaneous expense allowance. The agency disallowed his claim. He has appealed that disallowance, arguing that such action not only reduced the time and expenses associated with house-hunting, but eliminated the need for and costs of long-term temporary quarters occupancy.

¹Mr. William L. West.

We recognize Dr. Thompson's statements that his use of a broker saved money for the government for househunting trip expenses and temporary quarters expenses. However, we must deny his claim based on the plain language of the Federal Travel Regulation.

The regulations governing entitlement to a miscellaneous expense allowance are those contained in Part 302-3 of the Federal Travel Regulation (FTR).² Section 302-3.1(c) of the FTR³ provides in part that the allowance shall not be used to reimburse the employee for "costs or expenses that the employee incurred but which are disallowed elsewhere in this regulation."

The expense claimed by Dr. Thompson is a real estate related expense. Section 302-6.2(a) of the FTR⁴ provides:

"(a) **Brokers' fees and real estate commissions.** A broker's fee or real estate commission paid by the employee for services in selling his/her residence is reimbursable but not in excess of rates generally charged for such services by the broker or by brokers in the locality of the old official station. No such fee or commission is reimbursable in connection with the purchase of a home at the new official station." (Underscoring supplied.)

Since the language quoted above specifically prohibits reimbursement of a fee paid by an employee to a broker in connection with locating and purchasing a new residence,⁵ such expense may not be reimbursed as a miscellaneous expense allowance item.⁶



James F. Hinchman
General Counsel

²41 C.F.R. Part 302-3 (1992).

³41 C.F.R. § 302-3.1(c) (1992).

⁴41 C.F.R. § 302-6.2(a) (1992).

⁵James A. Holmes, B-241986, Aug. 15, 1991, and Harold R. Fine, B-224628, Jan. 12, 1988.

⁶Corps of Engineers, 69 Comp. Gen. 506 (1990); and Robert D. Good, B-224765, Aug. 17, 1987.