



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

B-177439

February 1, 1973

Mr. James R. Hartley
Chief, Field Finance Office
National Oceanic and Atmospheric
Administration
Department of Commerce
144 First Avenue South
St. Petersburg, Florida 33701

Dear Mr. Hartley:

Further reference is made to your letter dated November 9, 1972, with enclosures, requesting an advance decision as to whether it is proper to certify a voucher submitted by _____, an employee of the National Marine Fisheries Service (NMFS), in the amount of \$1,841.92 to reimburse him for expenses incurred in the sale of his residence and for temporary storage of his furniture in connection with his pending transfer of official station from Pascagoula, Mississippi, to Tiburon, California.

It appears that in anticipation of his transfer to Tiburon, _____ sold his residence in Ocean Springs, Mississippi, on March 10, 1971, and placed his furniture in temporary storage. In regard to this claim, you state that _____ was notified on February 17, 1971, of his pending transfer to Tiburon and that based on this information he proceeded to make preparations to move. The record indicates by a request for employment information dated April 28, 1971, from the Northwest Administrative Service Office (NASO), Seattle, Washington, that _____ had been selected for the position at Tiburon and that his transfer was desired as soon as possible.

On May 18, 1971, the Acting Director of NASO issued the travel order for _____ transfer and advised him of this fact by telephone. However, later that same day the Acting Director of NASO was informed that the Director of NMFS had decided not to transfer _____ and the travel order was withdrawn from the mailroom. Subsequently, _____ was transferred to Panama City, Florida, effective August 17, 1971.

Although _____ has been reimbursed for the expenses associated with his transfer to Panama City, you question whether the enclosed voucher for reimbursement of expenses incurred by _____ in the sale of his residence and temporary storage of his furniture incident to his transfer to Tiburon which was canceled may be properly certified for

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payment. In this regard section 4.1d of Office of Management and Budget Circular No. A-56, requires that the dwelling for which reimbursement is claimed be the employee's residence at the time he was first definitely informed of his transfer to a new official station. Since [redacted] had sold his residence prior to the time that he was notified of the transfer to Panama City, he may not be reimbursed on the basis of this transfer. See B-174051, December 8, 1971.

However, where a transfer has been canceled and certain expenses would have been reimbursable had the transfer been completed, we have held that real estate expenses incurred by an employee prior to the cancellation of his transfer may be reimbursed. B-174505, December 21, 1971, copy enclosed. In the present case [redacted] sold his residence after he had been notified of his pending transfer to Tiburon and prior to the time this transfer was canceled. Accordingly, we see no reason why [redacted] may not be reimbursed for the expenses incurred by him in the sale of his residence incident to his transfer to Tiburon to the extent authorized by section 4 of Circular No. A-56. B-174505, supra. Similarly, the expenses incurred by [redacted] for temporary storage of his furniture incident to his transfer to Tiburon may be reimbursed to the extent otherwise allowable under the applicable regulations.

In connection with the real estate expenses, we note that the claim by [redacted] is comprised of \$1200 for sales commission, \$558.13 listed on the closing statement as "closing cost on loan", and \$50 for attorney fees. In his application for reimbursement [redacted] claimed the latter two amounts as legal and related costs under section 4.2c of Circular No. A-56. However, section 4.2c sets out specific requirements and items allowable for reimbursement. Accordingly, certification of the items of \$50 and \$558.13 should be withheld until they are further itemized, defined and determined to be allowable under the provisions of section 4.

The voucher is returned herewith for handling in accordance with the foregoing.

Sincerely yours,

Paul G. Dembling

Acting Comptroller General
of the United States