

# DECISION



## THE COMPTROLLER GENERAL OF THE UNITED STATES

WASHINGTON, D. C. 20548

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FILE: B-182987

DATE: JUN 3 1975

MATTER OF: Theodore E. Schleiffer—Real Estate Expenses—  
Status of Okinawa

### DIGEST:

Employee who was transferred to Okinawa prior to its reversion to Japan, and was subsequently transferred to Auburn, Washington, following reversion seeks reimbursement of real estate expenses. Statute and regulations require that both old and new duty stations be in United States, its territories or possessions, the Canal Zone, or Puerto Rico in order to receive this reimbursement. Okinawa was not territory or possession of United States before its reversion to Japan because Japan had retained residual or de jure sovereignty under the Peace Treaty.

This matter concerns a request for an advance decision submitted by an authorized certifying officer, General Services Administration, regarding the authority to reimburse Mr. Theodore E. Schleiffer for real estate expenses he incurred incident to his transfer from Okinawa to Auburn, Washington.

Under the authority of Travel Authorization OD2PT275, dated March 14, 1972, Mr. Schleiffer was transferred from Saigon, South Vietnam, to Okinawa, which was then under United States control. By treaty, Okinawa and the rest of the Ryukyu Islands, reverted to full Japanese control effective May 15, 1972. By Travel Authorization OD3PT391, dated May 21, 1973, Mr. Schleiffer was transferred from Okinawa to Auburn, Washington. He was denied reimbursement of real estate expenses by the agency on the grounds that Okinawa was not a "territory or possession of the United States" at the time of his transfer to Auburn, Washington. Mr. Schleiffer argues that when he was transferred to Okinawa, it was a United States' possession, and therefore he should be granted reimbursement.

In B-182999, also decided today, we considered the issue of whether or not Okinawa was a "territory or possession of the United States" while under the control of the United States prior to its reversion to Japan. There we held that Okinawa was not a "territory or possession of the United States," because, under the terms of the Peace Treaty, Japan had retained residual or

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de jure sovereignty over Okinawa. Reimbursement of real estate expenses is authorized under certain conditions only by 5 U.S.C. § 5724a(a)(4) (1970), which is implemented by Federal Travel Regulations (FPMR 101-7) para. 2-6.1(a) May 1973. We have held that the statute and regulations require that both the old and the new duty stations be located in "the United States, its territories and possessions, the Canal Zone, or Puerto Rico." 47 Comp. Gen. 93 (1967).

Therefore, there may be no reimbursement of the real estate expenses incurred by Mr. Schleiffer. The fact that he was transferred to Okinawa before its reversion to Japan is irrelevant, since Okinawa was never a territory or possession of the United States.

R.F.KELLER

Deputy | Comptroller General  
of the United States