

DECISION

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

FILE: B-183807

DATE: AUG 30 1976

61415
98107MATTER OF: Stanley M. Wolf - Relocation Expenses -
Attorney's Fees

DIGEST: Employee who transferred from Natick, Massachusetts, to Germantown, Maryland, and was disallowed \$35 of the attorney's fee charges relating to employee's house purchase at new station on the ground that the amount was for review of documents by the bank's attorney. He is entitled to reimbursement of that amount because the documents were drawn by the bank's attorney, employee was required to pay the fee, and the payment was made after final review as to proper execution and recording. Such final review was reasonably related to the preparation of the documents and is, therefore, reimbursable.

This action is before us on a request for reconsideration of the reclaim voucher of Mr. Stanley M. Wolf, an employee of the United States Energy Research and Development Administration.

The record shows that by travel authorization dated March 13, 1974, Mr. Wolf's official duty station was transferred from Natick, Massachusetts, to Germantown, Maryland. Pursuant to this transfer, Mr. Wolf purchased a residence at his new official duty station and incurred certain expenses in connection therewith. He then filed a claim with his administrative office for reimbursement of allowable expenses.

The administrative office allowed \$661 for legal and related costs and disallowed \$35 of the attorney's fee on the ground that it was a charge for the final review of the documents by the bank's attorney.

Paragraph 2-6.2c of the Federal Travel Regulations (FPMR 101-7) (May 1, 1973) provides as follows:

"c. Legal and related expenses. To the extent such costs have not been included in

brokers' or similar services for which reimbursement is claimed under other categories, the following expenses are reimbursable with respect to the sale and purchase of residences if they are customarily paid by the seller of a residence at the old official station or if customarily paid by the purchaser of a residence at the new official station, to the extent they do not exceed amounts customarily charged in the locality of the residence: costs of (1) searching title, preparing abstract, and legal fees for a title opinion or (2) where customarily furnished by the seller, the cost of a title insurance policy; costs of preparing conveyances, other instruments, and contracts and related notary fees and recording fees; costs of making surveys, preparing drawings or plats when required for legal or financing purposes; and similar expenses. Costs of litigation are not reimbursable."

On his reclaim voucher Mr. Wolf has stated that Friendship Savings and Loan does not have its own legal staff and has to retain the services of an attorney for the drawing of the promissory note and the deed of trust by which it is secured so that its own interests will be protected. According to the record before us, the charges for this service are customarily payable by the purchaser in the locality of the residence. Mr. Wolf further stated that after the execution of the documents, they were reviewed by the bank's attorney as to proper execution and recording and that a charge of \$35 was made.

Paragraph 2-6.2c of the Federal Travel Regulations provides for reimbursement of the costs of preparing conveyances and other legal instruments, "and similar expenses."

We believe that the services performed by the bank's attorney in reviewing the note and the deed of trust involved in the transaction to insure that they are in order, are reasonably related to the preparation and recordation of the documents. Thus, the expense for such services paid by the employee constitute "similar expenses" under FTR para. 2-6.2c, supra.

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Accordingly, the attorney's fee for such review of \$35 as
reclaimed may be allowed.

R.F. KELLER

Being

Comptroller General
of the United States