



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

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*Released*

B-186024

APR 14 1978

The Honorable Peter W. Rodino, Jr.  
Chairman, Committee on the Judiciary  
House of Representatives

Dear Mr. Chairman:

By letter of March 6, 1978, you requested our views on H.R. 9289, 95th Congress, a bill to reimburse the sum of \$3,674 for expenses he incurred in selling his house incident to his transfer of official duty station from Valley Forge General Hospital in Phoenixville, Pennsylvania, to Indiantown Gap Military Reservation in Annville, Pennsylvania.

Our records show that Mr. , an employee of the Department of the Army, reported for duty on June 11, 1973, at Indiantown Gap Military Reservation and that settlement for the sale of his former residence at this previous duty station did not occur until July 7, 1975. Settlement, then, was 2 years and 26 days after the date of his transfer.

Reimbursement to Federal employees for expenses of certain residence transactions incident to a transfer is governed by 5724a(a)(4) of title 5, United States Code, and implementing regulations. At the time of Mr. transfer, the applicable regulations in the Federal Travel Regulations (FTR) (FPMR 101-7) para. 2-6.1, stated in part:

" \* \* \* To the extent allowable under this provision, the Government shall reimburse an employee for expenses required to be paid by him in connection with the sale of one residence at his old official station \* \* \*; Provided, That:

\* \* \* \* \*

"e. Time limitation. The settlement dates for the sale and purchase or lease termination transactions for which reimbursement is requested are

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not later than 1 (initial) year after the date on which the employee reported for duty at the new official station. Upon an employee's written request this time limit for completion of the sale and purchase or lease termination transaction may be extended by the head of the agency or his designee for an additional period of time, not to exceed 1 year, regardless of the reasons therefore so long as it is determined that the particular residence transaction is reasonably related to the transfer of official station."

The same provisions are incorporated in the Joint Travel Regulations, Volume II, para. C8350, for application to civilian personnel of the Department of Defense.

As permitted by these regulations, Mr. [redacted] was granted in November 1974 a 1-year extension. Under the regulations, settlement must take place within 2 years after the date of reporting for duty at the new official station. Mr. [redacted] settlement date occurred 26 days beyond the time limit. The regulations contain no provision for further extensions of time or for exceptional circumstances.

In [redacted], B-186024, April 29, 1976, we denied the claim for reimbursement because the time limit imposed by the regulations was exceeded. Since para. 2-6.1 of the FTR, quoted above, was issued under the specific statutory authority of 5 U.S.C. 5724a, we had no choice but to deny the claim. The regulation has the force and effect of law and cannot be waived in any individual case. See 49 Comp. Gen. 145, 147 (1969).

However, we recognize the special circumstance in this case that the delay between executing the contract and settlement may have been the result of a misunderstanding by Veterans Administration personnel concerning their description of the property in processing a Veterans Administration loan for the sale. Our files contain statements

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giving this explanation of the delay made by the real estate firm selling the residence.

In view of these circumstances, we have no objection to enactment of H.R. 9289.

Yours sincerely,

R.F.KELLER

Deputy, Comptroller General  
of the United States