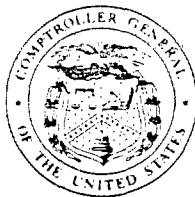


PLM-

DECISION



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

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FILE: B-192472

DATE: March 21, 1979

MATTER OF: Robert C. Manning ^{CLAIM FOR} Real Estate Expenses - and
Attorney's Fees]

DIGEST: Employee claims reimbursement for unitemized legal fees. Since decision in Matter of George W. Lay, 56 Comp. Gen. 561 (1977), is prospective to residence transactions in which settlement occurs on or after April 27, 1977, employee is required by Comptroller General decisions prior to that date to furnish statement of legal services itemized by attorney where settlement of transaction occurred in 1974.

This action is taken in response to a letter dated July 20, 1978, from an authorized certifying officer of the Drug Enforcement Administration, Department of Justice, requesting an advance decision as to whether he may certify for payment a reclaim voucher in favor of Mr. Robert C. Manning representing legal expenses incurred incident to the sale of a residence at the employee's old duty station incident to a permanent change of station. Mr. Manning was transferred from Yonkers, New York, to Dallas, Texas, on March 22, 1974.

Mr. Manning has submitted a claim for \$200 representing attorney's fees in connection with the sale of his former residence in New York. A letter dated June 28, 1974, from Mr. Manning's attorney states "My fee as agreed is \$200.00." Mr. Manning breaks down this lump-sum fee into components of \$100 for the preparation of contract for the sale of his former residence and \$100 for the preparation of deed and affidavit of title and review of title report. Additionally, he lists the obtaining of a pay-off letter from a savings and loan association and attendance at the closing as additional services performed by his attorney included in the fee of \$200. However, Mr. Manning does not give any basis for the breakdown of the legal fees that he has provided. Also, Mr. Manning states that he has attempted to locate his attorney in order to have him itemize his fee according to the services rendered, but that "he is apparently retired or deceased since he cannot be reached at his former place of business. Several attempts by telephone and letter have failed to locate him."

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Statutory authority for reimbursement of the legal expenses of residence transactions of transferred employees is found at 5 U.S.C. § 5724a (1970). Regulations implementing that authority at the time of Mr. Manning's transfer were contained in paragraph 2-6.2c of the Federal Travel Regulations (FPMR 101-7, May 1973). In our decision George W. Lay, 56 Comp. Gen. 561 (1977), we reviewed the policy regarding the extent to which legal fees may be reimbursed. In that decision we held that necessary and reasonable legal fees and costs, except for the fees and costs of litigation, incurred by reason of the purchase or sale of a residence incident to a permanent change of station may be reimbursed provided that such costs are within the customary range of charges for such services within the locality of the residence transaction. However, our decision in Lay, supra, is applied prospectively only to cases in which settlement of the transaction occurs on or after April 27, 1977. Accordingly, the present matter must be determined in accordance with our prior decisions.

Under our prior decisions an employee may be reimbursed for the cost of attorney's services if he performed such services as preparing a warranty deed, a contract, or certain other instruments. However, the employee could not be reimbursed the cost of the attorney's advisory services or his mere attendance at the closing. Matter of John O. Border, B-184599, September 16, 1975. There could be no reimbursement based upon a lump-sum bill since the attorney's lump-sum fee might include unallowable items. 54 Comp. Gen. 67 (1974). Mr. Manning's inability to secure from his attorney the necessary itemized statement cannot serve as the basis for an exception to this requirement.

Accordingly, the voucher may not be certified for payment.


Deputy Comptroller General
of the United States