

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

9702

FILE: B-193138

DATE: April 3, 1979

MATTER OF: Mr. Robert E. Luther ^{[CLAIM for} Relocation Expenses ^{Incident to} Overseas transfer]

DIGEST: An employee of the Federal Government at a permanent duty station overseas incurred expenses in the settlement of his unexpired lease due to the fact he is being transferred to another overseas duty station. While such expenses are of a type which could be reimbursed under para. C14003 of Vol. 2, JTR, such expenses may not be reimbursed here since 5 U.S.C. 5724a limits reimbursement to those situations where the old and new permanent duty stations are located within the United States, its territories or possessions, Puerto Rico or the Canal Zone.

This action is in response to correspondence dated August 23, 1978 (reference DLA-CFF), with enclosures, from the Chief, Accounting and Finance Division, Defense Logistics Agency, requesting an advance decision as to the propriety of making payment on a voucher in favor of Mr. Robert E. Luther, an employee of the agency, representing reimbursement of certain expenses incurred by him on termination of an unexpired lease in connection with a permanent change of station (PCS) in 1975. This correspondence was forwarded to this Office by third indorsement of the Per Diem, Travel and Transportation Allowance Committee dated October 6, 1978, and has been assigned PDTATAC Control No. 78-80.

AGC 00378

The record shows that the employee was transferred on a PCS from Aviano, Italy, to Wiesbaden, Germany, in 1975. In connection with this transfer, the employee was authorized and reimbursed per diem, travel and transportation and miscellaneous expenses. However, the present claim is for reimbursement for certain expenses incurred by him as a result of the necessity to break his lease due to the PCS move.

Apparently, the lease which the employee had for his residence mandated that if the lease was terminated before the expiration of the first year, that the lessee was required to pay for the cost of repainting. The existence of such lease clause, its validity under Italian law and the fact that the employee incurred the expense were confirmed by the Aviano Air Base Housing Referral Office.

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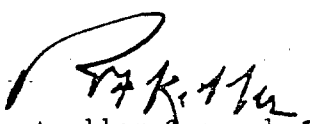
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The correspondence suggests that the expense involved comes properly under the category of unexpired lease expenses, which under paragraph C14003 of Volume 2 of the Joint Travel Regulations (JTR) are reimbursable if under applicable law and the terms of the lease payment of such expenses are required. However, it is pointed out that other provisions of chapter 14 and our decision 54 Comp. Gen. 1006 (1975), require that the old and new duty stations are both within the United States Commonwealth of Puerto Rico or the Canal Zone.

The item of expense described is of a type which in appropriate situations could be reimbursed under paragraph C14003 of Volume 2 of the JTR's. However, reimbursement in this case is precluded. Under the provisions of 5 U.S.C. 5724a which authorizes reimbursement of relocation expenses of employees transferred or reemployed, subsection (a)(4) thereof limits expenses of the settlement of an unexpired lease to those situations where "the old and new official stations are located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Canal Zone."

We are unaware of any other provision of law which would permit such reimbursement.

In view of the foregoing, payment may not be allowed Mr. Luther and the voucher accompanying the submission will be retained here.


Deputy Comptroller General
of the United States