

DECISION

12809 *RM-7*
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

FILE: B-195974

DATE: February 8, 1980

[REQUEST for

MATTER OF: Alfred J. Finch - Relocation Expenses]

DIGEST: Under today's decision in Matter of Donald C. Cardelli, B-195976, FBI special agent is entitled to real estate expenses for sale of residence occupied at old permanent duty station before 16 weeks' of FBI special agent training and sold incident to permanent change of station after training. Even though sale was before our decision in Matter of Hughie L. Ratliff, B-192614, March 7, 1979, that decision is retroactive under Cardelli.

Mr. D. E. Cox, Authorized Certifying Officer, Federal Bureau of Investigation (FBI), asks whether Special Agent Alfred J. Finch is entitled to real estate expenses for the sale of his residence incident to his change of permanent duty station. *Agc 00102*

Mr. Finch's residence was in Silver Spring, Maryland, when he worked for the District of Columbia Government, and he continued to own that residence after he transferred to the FBI. Under 5 U.S.C. § 5724a a District of Columbia Government employee is entitled to relocation expenses on transfer to a Federal agency on the same basis as employees transferring between Federal agencies. Although initially assigned for administrative purposes to Washington, D.C., Mr. Finch immediately reported for 16 weeks of special agent training at the FBI Academy, Quantico, Virginia. After completing training his first permanent duty station with the FBI was Detroit, Michigan, effective November 17, 1978. Because of his transfer to Detroit, he sold his Silver Spring residence on December 15, 1978, approximately 12 weeks before we issued our decision in Matter of Hughie L. Ratliff, B-192614, March 7, 1979.

Our decision today in Matter of Donald C. Cardelli, B-195976, holds that Ratliff applies retroactively, subject to the 6-year limitation on the filing of claims by 31 U.S.C. § 71a. Thus, an employee who is appointed as an FBI special agent is entitled to real estate expenses for the sale of his residence occupied before his training at Quantico and sold incident to his transfer after training. The essential facts in this case are the same as in Cardelli.

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Accordingly, Mr. Finch is entitled to real estate expenses for the sale of his Silver Spring residence, if otherwise correct.

A handwritten signature in cursive script, reading "Milton J. Fowler". The signature is written in dark ink and is positioned above the typed name.

For the Comptroller General
of the United States