

PLM-TL

DECISION



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

12554

FILE: B-196471

DATE: January 16, 1980

MATTER OF: Jacques P. Evans

[Claim For]
DIGEST: Employee claims reimbursement ^{of} for real estate expenses incurred incident to sale of residence in Orlando, Florida, upon transfer from Fort Rucker, Alabama, to Palmdale, California. Employee commuted from a local residence daily to his duty station in Fort Rucker, Alabama, and traveled to family residence in Orlando, 373 miles away, on weekends and holidays. Employee is not entitled to reimbursement for real estate expenses in sale of residence in Orlando since Federal Travel Regulations require that residence be the one from which employee commutes regularly to and from work. Only exception to this requirement is when employee is assigned to remote area and Fort Rucker is not a remote area.

The issue presented in this appeal from a settlement of our Claims Division ^{is} whether an employee whose permanent duty station was Fort Rucker, Alabama, but who maintained a residence in Orlando, Florida, 373 miles away, to which he traveled on weekends and holidays may be reimbursed expenses of sale of residence in Orlando upon transfer to Palmdale, California. The answer is no.

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Jacques P. Evans, an employee of the Department of the Air Force with a permanent duty station at Fort Rucker, Alabama, was ordered to make a permanent change of station to Palmdale, California. While on duty at Fort Rucker he maintained a residence in Orlando, Florida, 373 miles from Fort Rucker, where his wife resided, to which he traveled on weekends and holidays. Upon his transfer to Palmdale, he sold the residence in Orlando. Since the residence he sold was not located at his old official station (Fort Rucker) and was not the residence from which he commuted regularly to work, his claim for reimbursement of expenses incurred in connection with the sale of the residence in Orlando was denied.

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Section 5724a(a)(4) of title 5, United States Code (1976), authorizes the reimbursement of expenses of the purchase of a residence located at the new official station, or the sale of a residence at the old duty station, when incurred incident to a transfer. At the time our decision 47 Comp. Gen. 109 (1967) was written, the applicable regulations did not define "official station." We stated in that decision that we generally could not authorize reimbursement for the costs involved in the sale of a residence not actually located at the employee's old duty station or at a place to which the employee commuted on a daily basis, but that an exception could be made where the employee was not able to obtain a residence in a location which would permit commuting on a daily basis.

Subsequent to our decision, "official duty station" was defined in the regulations and the exception stated in 47 Comp. Gen. 109 was incorporated therein. Federal Travel Regulations, para. 2-1.4i (1973) provides in part as follows:

"* * * With respect to entitlement under these regulations relating to the residence and the household goods and personal effects of an employee, official station or post of duty also means the residence or other quarters from which the employee regularly commutes to and from work. However, where the official station or post of duty is in a remote area where adequate family housing is not available within reasonable daily commuting distance, residence includes the dwelling where the family of the employee resides or will reside, but only if such residence reasonably relates to the official station as determined by an appropriate administrative official."

Regulation The language of this regulation is clear and unambiguous. It authorizes reimbursement for the expenses of residence transactions incident to a transfer involving a residence "from which the employee regularly commutes to and from work" and limits the exception to this requirement to those cases in which an employee is assigned to a remote area where family housing is unavailable. See also B-188644, April 28, 1977; B-161606, June 3, 1976; and B-192898, January 25, 1979.

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Since there is no indication that Fort Rucker could be considered a remote area payment of the claim may not be made.

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Accordingly, the settlement of our Claims Division disallowing Mr. Evans' claim is sustained.

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General
of the United States