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**DECISION**



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

**FILE:** B-202687

**DATE:** September 1, 1981

**MATTER OF:** Glenn A. Schwartz

**DIGEST:** Employee sold residence at old duty station after receiving notice of reduction in force coupled with verbal offer of assistance in relocating within Department. Employee may be reimbursed for expenses of sale as clearly evident administrative intent to transfer employee existed at time expenses were incurred.

By a letter of March 27, 1981, Mr. David Fischer, an authorized certifying officer with the San Francisco Regional Office, Department of Housing and Urban Development requested an advance decision concerning Mr. Glenn A. Schwartz' claim for real estate expenses. Specifically the certifying officer inquires whether the employee is entitled to reimbursement of the expenses incurred in selling his residence, since the sale occurred before the employee received official notice of transfer. For the reasons set forth below we find that the employee is eligible for reimbursement of real estate expenses.

On June 2, 1980, Mr. Schwartz received notice that his position in Sacramento would be abolished by reduction in force effective July 7, 1980. At the same time he was given a verbal commitment of assistance in relocating within the Department prior to his otherwise proposed termination. At that time he contacted a real estate agent. The agent located a buyer who was interested in purchasing a house immediately, and the sale of Mr. Schwartz' California residence was completed on June 9, 1980. On July 2, 1980, the Department informed Mr. Schwartz that he had been selected for a position in Las Vegas.

Reimbursement of relocation expenses for Federal employees is governed by the provisions of the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973). FTR para. 2-6.1d requires that the dwelling for which reimbursement of selling expenses is claimed be the employee's residence "at the time he was first definitely informed by competent authority of his transfer" to a new duty station. From this provision comes the general rule that an employee may be reimbursed for real estate expenses incurred prior to and in anticipation of a transfer only if a clearly evident administrative

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intent to transfer the employee exists at the time the expenses are incurred. 48 Comp. Gen. 395 (1968); 58 id. 208 (1979). We have held in past decisions that unofficial telephone contacts linked with a notice of reduction in force (B-170800, December 22, 1970); a letter notifying that a position was surplusage coupled with an offer to help find another job (B-165796, February 12, 1969); a verbal notification of tentative selection for a position (B-162842, November 22, 1967); and an official announcement that all essential functions of the installation were to be relocated (57 Comp. Gen. 447 (1978)) constitute a clear intention to transfer an employee.

In line with the above decisions and since Mr. Schwartz sold his residence upon notice that he would be terminated at his old duty station coupled with an offer of assistance in relocating, we find that he incurred real estate expenses after a clear intent to transfer him was evident. Accordingly, the voucher may be certified, if otherwise proper.

*Milton F. Fowler*

Acting Comptroller General  
of the United States