

DECISION



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

FILE: B-210468

DATE: April 12, 1983

MATTER OF: William D. Fallin - House-Hunting Expenses - Fees for Child Care

DIGEST:

1. Transferred employee's claim for reimbursement of child care expenses incurred at old duty station during period of spouse's house-hunting trip may not be paid since neither 5 U.S.C. § 5724a(a)(2) (1976) nor Chapter 2, Part 4 of the Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR) authorize such an entitlement. Absent statutory or regulatory authorization, fees for child care may not be reimbursed.

2. Language in digest of a Comptroller General's decision is not controlling, since a digest is only a summary or paraphrase of a decision, and cannot be relied upon in preference to the text itself.

Kevin D. Rooney, Assistant Attorney General for Administration, U.S. Department of Justice, requests a decision as to whether William D. Fallin, employed by the Federal Bureau of Investigation (FBI) as a Special Agent, may be reimbursed for child care expenses. These expenses were incurred because of his spouse's house-hunting travel which was performed in connection with the employee's permanent change of station from Knoxville, Tennessee, to Butte, Montana. We concur with the FBI's action disallowing the claim since reimbursement of fees for child care is not allowed by either 5 U.S.C. § 5724a(a)(2) (1976) or the implementing provisions of Chapter 2, Part 4 of the Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR).

During the period May 6 to May 13, 1982, Mr. Fallin's spouse performed authorized round-trip travel from Knoxville to Butte, in order to seek permanent residence quarters at the employee's new duty station. Since the employee had

already reported for duty in Butte at the time of his spouse's travel, Mr. and Mrs. Fallin made arrangements with a private party in Knoxville to care for their children during the period of Mrs. Fallin's absence.

Mr. Fallin filed a claim with the FBI requesting reimbursement for child care expenses in the amount of \$50, and apparently submitted to the agency a signed receipt evidencing payment of that amount. The agency denied the employee's claim on the basis of our decisions in James W. Clark, B-193331, April 25, 1979, Michael W. College, B-180623, August 14, 1974, and B-162466, September 27, 1967, which held generally that fees for child care are not reimbursable expenses of travel or relocation under the provisions of the FTR. Specifically, in Clark, above, we considered a transferred employee's claim for temporary quarters subsistence expenses attributable to labor performed by the employee's relatives at his new duty station to care for his children and invalid wife. We held that the child care fees charged by the employee's relatives could not be reimbursed because the expenses were inadequately documented, and, moreover, the provisions of the FTR do not authorize such expenses. In College, above, an employee claimed child care expenses resulting from an agreement made with a relative to furnish his family with temporary quarters and child care in connection with the employee's change of official station. We held that the expenses were not reimbursable under the FTR, even though the employee had supplied a receipt evidencing payment of the claimed expenses. In our decision B-162466, above, we denied reimbursement of child care expenses incurred by an employee during a period of temporary duty, since the law and regulations limit reimbursement for temporary duty travel to the traveler's expenses for subsistence and transportation in going to and from the temporary duty station, and do not relate to expenses incurred by the employee at his family's domicile.

Mr. Fallin disputes the agency's determination denying his claim, arguing that the decisions relied upon by the agency are distinguishable from the facts presented by his claim. In this regard, he alleges that language in our decision College, above, indicates that child care expenses are allowable in the presence of extraordinary circumstances. The employee interprets our decisions in Clark and B-162466, cited above, as denying reimbursement of fees for child care

because of the absence of extraordinary circumstances. Specifically, he notes that in the former case, the child care expenses were incurred at the employee's new duty station and relatives were involved; in the latter case, one parent was available to care for the children. Mr. Fallin states that, in contrast, extraordinary circumstances existed in his case due to the simultaneous absence of both parents from Knoxville during the period of the house-hunting trip and the absence of relatives in the Knoxville area. Additionally, he contends that the reasonableness of the \$50 charge for child care and the fact of separate receipted payment of the fee provide a basis for payment of the expenses claimed.

Authorization for payment of house-hunting expenses is provided in 5 U.S.C. § 5724a(a)(2) and implementing regulations contained in Chapter 2, Part 4 of the FTR. Those provisions limit allowances for house-hunting to the round-trip travel and transportation expenses of an employee and/or his spouse between the localities of the old and new duty stations, and do not authorize payment of expenses incurred by the employee at his old duty post. In the absence of statutory or regulatory authorization, we are unable to authorize reimbursement for child care expenses even where there is an indication of extenuating circumstances. See generally Clark, above.

Therefore, we disagree with the employee's assertion that his claim is distinguishable from our prior decisions denying reimbursement for child care expenses on the basis of an "extraordinary circumstances" test which allegedly was established in College, above. Although the digest for College stated in part that "child care expenses are not allowable in the absence of extraordinary circumstances," the text of the decision did not expressly or impliedly suggest that extraordinary circumstances would warrant reimbursement of fees for child care. Since language in a digest is only a paraphrase or summary of a decision, it cannot be relied upon in preference to the text itself. 56 Comp. Gen. 275 (1977). Accordingly, while it is unfortunate that the house-hunting trip performed by Mr. Fallin's spouse caused the employee to incur expenses for child care, those expenses are personal to the employee and, as such, may not be paid by the Government. See B-162466, above.

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For the reasons stated, we hold that Mr. Fallin's claim for reimbursement for child care expenses may not be paid.

for *Milton J. Fowler*
Comptroller General
of the United States