

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

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FILE: B-213085**DATE:** January 16, 1984**MATTER OF:** Edwin C. Hoffman, Jr. - Reimbursement for
Real Estate Expenses - Anticipation of
Transfer**DIGEST:**

An employee was selected for a position away from his duty station. In anticipation of transfer, he put his residence up for sale. Shortly thereafter, he was selected for the same position at his duty station. Employee seeks reimbursement for cost of selling old and purchase of new residence, claiming he was committed to the sale before acceptance of the position at his old station. Employee's claim for reimbursement is denied since anticipatory expenses may not be paid unless the transfer is authorized, or actually approved and effected. No such authorization was ever issued, and employee chose to remain at old duty station for personal reasons.

This decision is in response to a request from the Director, Office of Budget and Finance, Veterans Administration (VA), concerning the entitlement of Mr. Edwin C. Hoffman, Jr., an employee of the VA Medical Center, Butler, Pennsylvania, to be reimbursed for real estate expenses. We conclude that he is not so entitled for the following reasons.

BACKGROUND

The position of Chief, Fiscal Service, at the VA Medical Center in Marlin, Texas, became vacant. Mr. Hoffman, who was at that time the Assistant Chief, Fiscal Service, at the VA Medical Center in Butler, Pennsylvania, applied for that position. On January 11, 1983, he was notified by the VA Central Office that he had been selected.

Between the time Mr. Hoffman applied for the Marlin VA Medical Center position and was selected, the same position became vacant at the Butler VA Medical Center. Mr. Hoffman also applied for that position and on January 20, 1983,

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was similarly notified by the VA Central Office that he had been selected for the Butler position as well.

According to Mr. Hoffman, on January 14, 1983, having been accepted for the position at the Marlin VA Medical Center, and in anticipation of receiving travel authorization to that location, he put his residence in Butler, Pennsylvania, up for sale. He now claims reimbursement of real estate expenses, contending that at that point he was committed to the sale of his then residence, so when he was accepted for the Butler position on January 20, 1983, he was required to purchase another residence. On February 16, 1983, he signed a contract to purchase a new residence in Butler, Pennsylvania, and on April 29, 1983, settlement was effected on both residences.

The submission points out that when the authorities at the Marlin VA Medical Center learned of Mr. Hoffman's acceptance of the vacant position at his then current duty station, they canceled all paperwork in connection with his transfer to Marlin and began their selection process anew. As a result, no travel authorization or VA form 5-3918, "Intra-Agency Transfer Request," was ever prepared in his case.

DECISION

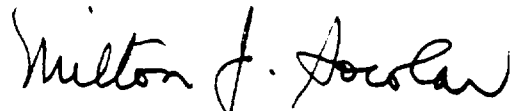
Section 5724 and 5724a of Title 5, United States Code, as implemented by the Federal Travel Regulations, FPMR 101-7 (September 1981), authorize payment of travel, transportation and relocation expenses of an employee who is transferred from one official station to another for permanent duty in the interest of the Government. Our Office has held that the word "transferred" as used in the cited provisions relates to an employee who has been ordered or directed to make a permanent change of station move. 37 Comp. Gen. 203 (1957); and 27 Comp. Gen. 737.

We have held that reimbursement for moving and relocation expenses incurred prior to and in anticipation of a transfer of an employee's official duty station may be allowed if the travel order is subsequently issued and includes authorization for the expenses on the basis of a previously existing administrative intent to transfer the employee at the time the expenses were incurred. 48 Comp. Gen. 395 (1968); Bernard J. Silbert, B-202386, September 8, 1981; and Joan E. Marci, B-188301, August 16, 1977. We have also held that where an employee has been issued a travel

authorization, but where the transfer has been administratively canceled, certain expenses incurred by the employee in anticipation of that transfer may be reimbursed. B-177898, April 16, 1973. Compare William E. Jackson, Jr., B-181321, November 19, 1974.

Notwithstanding the foregoing, there is no authority under the Federal Travel Regulations or our decisions which would permit an employee to be reimbursed for relocation expenses unless the transfer is authorized or actually approved and effected. Although the Federal Travel Regulations do not expressly state what constitutes the authorization for a transfer, travel orders are generally required by agency regulation to be, or at least are generally recognized as being, the authorizing document. Thus, an employee cannot be assured that he will be reimbursed for relocation expenses incurred until he has received a travel order. 54 Comp. Gen. 993 (1975).

In the present case, Mr. Hoffman was not issued travel orders, nor was the location of his official station changed in any way. While he has implied that he acted prudently when he placed his old residence on the market following official notification of his being accepted for the position of Chief, Fiscal Service, at the Marlin VA Medical Center, the decision to remain at his old official station in lieu of transferring was solely his and for personal reasons. There is no showing that any administrative action was taken which in any way prevented him from transferring and occupying the Marlin VA Medical Center position. In the circumstances, there is no basis upon which he may be reimbursed any of the expenses incurred in the sale of his old residence and the purchase of another residence in Butler, Pennsylvania.



Acting Comptroller General
of the United States