



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Ralph D. Christensen - Real Estate
Expenses - Time Limitation

File: B-226341

Date: December 29, 1987

DIGEST

An employee, who transferred to a new duty station and reported for duty on August 21, 1983, may not be reimbursed for the real estate expenses incurred in association with his purchase of a new residence at the new duty station since settlement did not occur until January 6, 1987, approximately 4 months beyond the 3-year limitation deadline. The time limitation imposed by paragraph 2-6.1e of the Federal Travel Regulations has the force and effect of law and may not be waived in any individual case.

DECISION

BACKGROUND

This decision is in response to a request by Mr. Gordon E. Reynolds, Chief, Branch of Finance, U.S. Department of Labor. The request concerns the reimbursement of real estate expenses incurred by Mr. Ralph D. Christensen in connection with the purchase of a residence pursuant to his transfer to a new official duty station.

In August 1983, Mr. Christensen was transferred from Hindman, Kentucky, to Lansing, Michigan, and he reported to his new official duty station on August 21, 1983. He was unable to complete the real estate transaction for the purchase of a home at the new duty station prior to the expiration of the 2-year limitation for reimbursement of real estate expenses, and he requested and was granted a 1-year extension of the time limit. Since the initial 2-year limitation would have expired on August 21, 1985, the approved extension allowed him until August 21, 1986 to complete the purchase of his home, 3 years from the date he reported for duty at his new official station.

In his claim, Mr. Christensen asserts that on April 25, 1986, he applied for an FHA loan to purchase his new

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residence, but that difficulties with FHA's backlog of cases, the expiration of budget money for FHA, and the expiration of FHA documentation of his loan application prevented the purchase of the house within the 3-year period. Settlement on his new residence did not occur until January 6, 1987, approximately 4 months beyond the August 21, 1986 deadline. Mr. Christensen states that the time limitation should be waived in his case since he made every effort to purchase his new residence within the 3-year limit.

DISCUSSION


The authority to reimburse real estate expenses incurred by employees pursuant to transfers from one official duty station to another is contained in 5 U.S.C. § 5724a (1982), as implemented by paragraph 2-6.1e of the Federal Travel Regulations (FTR) (Supp. 4, August 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1982). Paragraph 2-6.1e of the FTR sets forth a 2-year time limitation for reimbursement of expenses incurred in connection with real estate transactions, which may be extended by the head of the agency or his/her designee for an additional period of time not to exceed 1 year.

Our Office has consistently held that there is no authority for the reimbursement of expenses incurred in connection with the sale or purchase of an employee's home, regardless of the extenuating circumstances involved, if the employee has failed to meet the applicable time limitation. See Jerald W. Duxbury, B-219222, December 20, 1985; Gabriel C. Brazao, B-188670, January 3, 1978; Robert J. Dion, B-187677, December 3, 1976.

The record reveals that Mr. Christensen's 2-year time limitation ended August 21, 1985, and the extension expired on August 21, 1986. However, settlement on the house was not completed until January 6, 1987, 4 months after the expiration of the extended time limitation. While it is unfortunate that Mr. Christensen's purchase of his residence was delayed, the fact that the delay may have been in part due to government actions affecting bank lending rates and the availability of mortgage money does not alter the fact that the settlement did not take place until January 6, 1987, more than 3 years after he reported to his new duty

station and beyond the maximum time limit permitted by the regulations. Moreover, since the time limitation regulations involved were issued pursuant to 5 U.S.C. § 5724a (1982), they have the force and effect of law and, therefore, cannot be modified by this Office, nor by the agency concerned. See 49 Comp. Gen. 145 (1969).

Accordingly, since Mr. Christensen failed to complete settlement on the purchase of his home at his new duty station prior to the expiration of the time limitation, his claim for reimbursement of these real estate expenses must be denied.

for 
Comptroller General
of the United States