



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Timothy C. Pace

File: B-244551

Date: November 18, 1991

DECISION

The issue in this case is whether Mr. Timothy C. Pace, an employee of the Social Security Administration (SSA), may be reimbursed for the cost of installing a radon gas control system incident to the sale of his residence when he transferred in August 1990.¹ We agree with SSA that this item is a home maintenance cost which may not be reimbursed under the Federal Travel Regulations.

Mr. Pace transferred from Washington, D.C., to Pittsburgh, Pennsylvania, and used SSA's relocation company to sell his residence at his old duty station. The relocation company required an inspection of the residence for radon gas and assurance that the amount of radon gas complied with the standards for safety set by the Environmental Protection Agency (EPA). As a result of the inspection, Mr. Pace had to spend \$770 on the installation of a radon gas control system before the EPA safety standard could be met and before the relocation company agreed to sell the residence. Mr. Pace seeks reimbursement of the \$770 installation charge on the basis that the EPA safety standard was not in existence at the time of construction of his residence or the time he purchased it. Mr. Pace further contends that, since the radon gas has been present at all times and he would not have installed the corrective device but for the need to sell the home, it would be inappropriate to consider the cost for the radon control system as a maintenance cost.

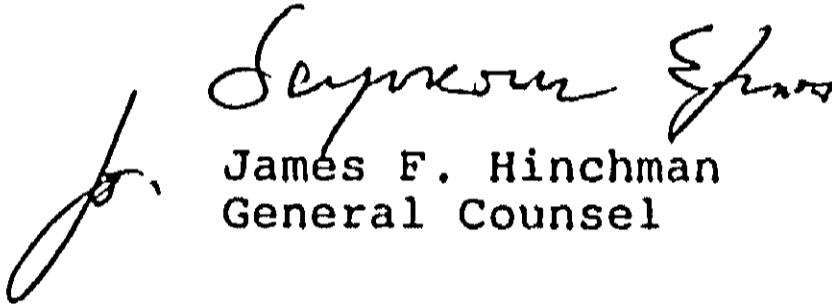
Reimbursement of expenses for operating or maintaining a home are specifically not included as reimbursable real estate sale expenses under the FTR, 41 C.F.R. § 302-6.2(d)(2)(iv). We have, in several cases, held that the corrections of deficiencies required to sell a residence are not reimbursable since they are maintenance costs, including deficiencies under applicable local laws or regulations

¹The question was submitted by Mr. Walter W. Pleines, Director, Division of Finance, SSA, Department of Health and Human Services, reference S6CB215.

which did not apply at the time the residence was constructed or purchased. James Betts, B-217922, Sept. 6, 1985; Robert J. Holscher, B-215410, Nov. 14, 1984. For example, our decision in James Betts involved a plumbing repair necessitated by a local law that was passed after the house was bought but in effect at the time of its resale. Likewise, our decision in Robert J. Holscher involved general weatherization repairs necessitated by a local law passed after the house was bought by the employee but required for its resale. In both decisions we found that the costs of corrections of the deficiencies required for resale of the houses were maintenance costs that were not reimbursable.

Just as in the above decisions, the cost of the radon gas control system Mr. Pace was required by the relocation company to have installed to meet the new EPA standards is not reimbursable. This is so even though the correction would not have been undertaken without the sale of the home. See James Betts, B-217922, supra.

Accordingly, the claim may not be allowed.


James F. Hinchman
General Counsel