



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** F. Robert Harrower - Home Service Transfer Allowance, Travel Allowances and Real Estate Expenses

**File:** B-244796

**Date:** September 29, 1992

---

### DIGEST

An Agriculture Department employee, assigned under a service agreement with the Agency for International Development pursuant to the Foreign Assistance Act, was transferred to and from an overseas post of duty under the Foreign Service Act of 1980. He may not be reimbursed for real estate expenses incident to sale of his former residence in Kansas City, Missouri, nor purchase of a new residence in Washington, DC. The Foreign Service Act and implementing regulations provide no reimbursement in these circumstances, and 5 U.S.C. § 5724(g) (1988) and the Federal Travel Regulations, 41 C.F.R. § 302-1.2(b)(1) (1990), which do provide for real estate expense reimbursement, specifically exclude employees who are transferred under the Foreign Service Act of 1980. However, the employee is eligible for a home service transfer allowance.

---

### DECISION

This decision is in response to a request from an official of the Department of Agriculture, as to whether Mr. F. Robert Harrower, an employee of the agency, may be reimbursed for certain expenses he claims incident to his transfer back to the United States from an overseas assignment. The expenses in question are real estate expenses incurred in the purchase of a residence in the vicinity of his new duty station in Washington, DC; real estate expenses he anticipates incurring in the sale of his former residence in Kansas City, Missouri; and round-trip transportation and per diem for travel between Washington and Kansas City to retrieve his automobile from storage and accomplish other personal business in Kansas City.<sup>1</sup> For

---

<sup>1</sup>This request was submitted by an authorized certifying officer, National Finance Center, Department of Agriculture, New Orleans, Louisiana, reference FSD-1WMD.

the reasons stated below, we hold that Mr. Harrower may not be paid real estate expenses nor travel allowances and per diem for his round trip between Kansas City and Washington. However, he is eligible for a home service transfer allowance.

#### BACKGROUND

By travel authorization dated February 8, 1988, Mr. Harrower was assigned from Kansas City, Missouri, to Cairo, Egypt pursuant to a Participating Agency Service Agreement (PASA) between the Agency for International Development (AID) and the Department of Agriculture to provide technical assistance to the Egyptian Ministry of Agriculture. Such PASA assignments are made under the authority of sections 625 and 632 of the Foreign Assistance Act of 1961, as amended (FAA), 22 U.S.C. § 2385 and 2392 (1988). Pursuant to 22 U.S.C. § 2385(d), employees so assigned receive allowances and benefits under the Foreign Service Act of 1980, 22 U.S.C. §§ 3901 et seq. (1988).<sup>2</sup>

Upon completion of Mr. Harrower's assignment in Egypt, he was transferred to Washington, DC by travel authorization dated August 28, 1990, providing for his and his wife's return travel from Cairo to Washington, shipment of household goods from Cairo and authorized storage points to Washington, and shipment of privately owned vehicle from Cairo to Washington. He was also authorized a home service transfer allowance in accordance with section 250 of the Standardized Regulations (Government Civilians, Foreign Areas). He subsequently requested that his orders be changed to allow him to travel from Cairo to Kansas City and then to Washington to wind up his personal affairs in Kansas City and to drive his car from Kansas City to Washington. Initially, this request was granted and orders were issued so providing, but the agency determined this was solely for Mr. Harrower's personal convenience and such travel could not be authorized at government expense.

#### OPINION

The Foreign Service Act of 1980 and its implementing regulations make no provision for reimbursement of real estate expenses in Mr. Harrower's circumstances. Also,

---

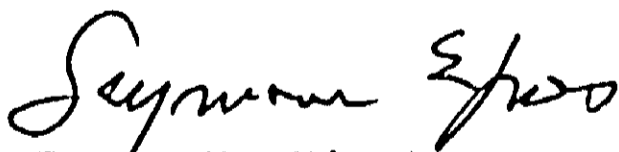
<sup>2</sup>The Secretary of Agriculture also has separate authority to assign personnel abroad under 7 U.S.C. Chapter 43 (1988), and such personnel also are provided allowances and benefits similar to those provided under the Foreign Service Act of 1980. See 7 U.S.C. § 1766c. As stated, however, Mr. Harrower's assignment was made pursuant to the Foreign Assistance Act.

5 U.S.C. § 5724(g) (1988) and the Federal Travel Regulations (FTR), 41 C.F.R. § 302-1.2(b)(1) (1992), specifically preclude reimbursement of relocation expenses under 5 U.S.C. Chapter 57, including real estate expenses, to employees who are transferred overseas under the Foreign Service Act of 1980, as amended. See Gary B. Sidder, B-246940, June 1, 1992, and cases cited therein. Accordingly, since Mr. Harrower was transferred to and from his overseas post of duty under the Foreign Service Act of 1980, as amended, he is not entitled to reimbursement of expenses related to the purchase of a residence at Washington, DC, nor for the sale of his residence at Kansas City.

As to Mr. Harrower's claim for the expense of round-trip travel between Kansas City and Washington, we know of no authority under which it may be paid. Mr. Harrower was not transferred back to Kansas City from Cairo, and therefore, as the agency determined, his return there and subsequent travel to Washington must be considered for his personal convenience and at his expense.

The remaining question is whether Mr. Harrower is entitled to a home service transfer allowance as prescribed by the Secretary of State in section 250 of the Standardized Regulations (Government Civilians, Foreign Areas).

We have held that an employee authorized travel and relocation expenses under the Foreign Service Act is entitled to a home service transfer allowance under 22 U.S.C. § 4081(14) incident to his transfer back from an overseas assignment to a duty station in the United States in circumstances similar to those of Mr. Harrower. See William J. Shampine, 63 Comp. Gen. 195 (1984); and Dennis H. Shimkoski, 68 Comp. Gen. 692 (1989).<sup>3</sup> Accordingly, if Mr. Harrower incurred reimbursable expenses under the home service transfer allowance, he is entitled to such an allowance.

*for*   
James F. Hinchman  
General Counsel

---

<sup>3</sup>This is unlike an employee transferred under 5 U.S.C. Chapter 57 who is not entitled to the home service transfer allowance provided by 5 U.S.C. § 5934(g) upon transfer to a post in the United States unless it is between assignments overseas. William Shampine, 63 Comp. Gen., supra.