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DECISION



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

Entitlement to Reimbursement of

FILE: B-197781

DATE: December 30, 1980

MATTER OF: Carl A. Gidlund - Real Estate Expenses
Title Requirements]

DIGEST: Employee of Interior Department who transferred from Reno, Nevada, to Anchorage, Alaska, seeks reimbursement of real estate expenses incurred in sale and purchase of residences at old and new duty stations. Title to both residences was held in name of a trust established by last will and testament of deceased mother of employee's spouse. Since title to residences was held in name of trust which paid all expenses of real estate transactions, title requirements of 5 U.S.C. § 5724a(a)(4) (1976) and para. 2-6.1c of Federal Travel Regulations were not met. Therefore, no entitlement to reimbursement exists.

This decision is in response to a request by Ms. Mary M. Rydquist, Authorized Certifying Officer, Bureau of Land Management, United States Department of the Interior, as to the propriety of reimbursing Mr. Carl A. Gidlund for real estate expenses incident to his change of official station from Reno, Nevada, to Anchorage, Alaska, in 1978.

The pertinent facts and circumstances involved in this claim are as follows: Mr. Gidlund is an employee of the Department of the Interior. His wife is employed by the United States Forest Service, Department of Agriculture. Both were selected to fill positions in Alaska and the two agencies agreed that the Interior Department would pay the transfer costs to their new duty station. The claimed expenses incurred in the sale of the residence in Reno totaled \$8,307.50 and \$202.75 was incurred incident to the purchase of a residence in Anchorage.

By her last will and testament, Ms. Hillis J. Schmidt, deceased mother of Ms. Joan Elna Boduroff,

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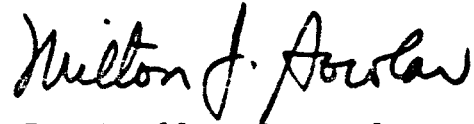
now the wife of Mr. Gidlund, established a trust which in Article IV thereof, directed her executor and trustee to provide her daughter and family with a residence, including the selling of one residence and replacing it by purchasing another residence. When the Gidlund family transferred to Anchorage, the trust paid all of the real estate expenses incurred in the sale and purchase of the two residences. This is the first time the trust has sold a residence and purchased another in a transfer involving the Federal Government. The title to both residences in Reno and Anchorage was and is in the name of the Schmidt Trust. Mr. Gidlund states that he will reimburse the trust if he is paid the claimed real estate expenses by the Department of the Interior.

The statutory authority for reimbursing a Federal employee for expenses incurred in the sale and purchase of residences at his old and new duty stations is contained in 5 U.S.C. § 5724a(a)(4) (1976). The implementing regulations spell out the title requirements for such transactions. Paragraph 2-6.1c of the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973) provides, that in order to reimburse real estate expenses, title to the residences at the old and new official stations "must be in the name of the employee alone, or in the joint names of the employee and one or more members of his immediate family, or solely in the name of one or more members of his immediate family." Paragraph 2-1.4d of the FTR (FPMR Temporary Regulation A-11, Supplement 4, April 29, 1977) defines "immediate family" only in terms of a spouse, children, dependent parents, and dependent brothers and sisters.

In the instant case, title to the residences involved was held by the trust and not by Mr. Gidlund, his wife, or any member of his immediate family, as required by the Federal Travel Regulations. We view the purpose of the statute and regulation as being to reimburse the transferred employee for real estate expenses incurred by him or a member of his immediate family, but not to reimburse a third party, such as a trust, that has borne such expenses. Reverend Richard A. Houlahan, B-192583, March 14, 1979. See also B-172244, June 3, 1971.

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Accordingly, since the conditions precedent relating to the title to the property in question have not been met, Mr. Gidlund is not entitled to reimbursement of the claimed real estate expenses. The voucher submitted may not be certified for payment.

A handwritten signature in cursive script, reading "Milton J. Aoula".

Acting Comptroller General
of the United States