

DECISION

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

8183

FILE: B-191676

DATE: November 2, 1978

MATTER OF: Lucki S. Latimer - Forfeiture of Lease
Deposit

DIGEST: Employee who forfeited \$112.50 of a rental deposit for the lease of a residence at his new duty station after receiving notice of cancellation of transfer, may be reimbursed forfeited amount as a miscellaneous expense.

This action is in response to an appeal by Lucki S. Latimer of our Claims Division settlement dated June 14, 1977, disallowing his claim for reimbursement of a rental deposit for the lease of a residence at his new duty station.

The record shows that Mr. Latimer was issued Travel Order GA-246-75, dated May 9, 1975, authorizing a transfer of duty station from Dallas, Texas, to Albuquerque, New Mexico, effective June 4, 1975. The travel order authorized a house-hunting trip. While on the house-hunting trip Mr. Latimer signed a lease for a new residence on May 17, 1975, giving a 1-month rental deposit of \$225 plus a security deposit of \$75. On May 22, 1975, Mr. Latimer was notified that his transfer had been cancelled and was requested to close all accounts and submit a voucher for all expenses. On May 28, 1975, the landlord of the newly rented house refunded all but \$112.50 of the combined deposits made, claiming the withheld amount as "earned rent." It is the unrefunded amount of \$112.50 for which Mr. Latimer claims reimbursement.

Mr. Latimer contends that his forfeiture was a miscellaneous expense, and as such, reimbursement should be allowed. Under the miscellaneous expense theory and the applicable regulations, mainly para. 2-3.2 and para. 2-3.3 of the Federal Travel Regulations (FPMR 101-7, May 1973), we would not object to the \$112.50 deposit forfeited being included as a miscellaneous allowance incident to Mr. Latimer's cancelled transfer to Albuquerque. See B-190764, April 14, 1978. He is, therefore, entitled to reimbursement of the deposit forfeited as miscellaneous expenses.

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A settlement in accordance with this decision will issue
by our Claims Division in due course.

R. J. Kitten
Deputy Comptroller General
of the United States