

13362 PLM II

DECISION



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

FILE: B-194851

DATE: April 8, 1980

MATTER OF: Bruce L. Birchman-^[CLAIM FOR] Miscellaneous
expenses allowance]

- DIGEST:
1. Claim by transferred employee for miscellaneous expense reimbursement—covering installation of 3 telephones at new residence may be paid since telephones replaced 3 telephones at old residence. See B-170589, November 13, 1970. B-168582, January 19, 1970, distinguished.
 2. Claim by transferred employee for cost of refrigerator door reversal (from right handed to left handed), so that refrigerator from former residence could be used in new residence, may be paid as miscellaneous expense within intent of FTR para. 2-3.lb.
 3. Claim for postage costs to mail auto license plates back to Massachusetts is reimbursable as miscellaneous expense. The expense was incurred to comply with the law of the State of Massachusetts and was a necessary expense associated with bringing the employee's automobile out of the jurisdiction of that State of his former residence.
 4. Duplicate auto title fee of \$1 required by Maryland State law to reregister the automobile of an owner who previously resided in Maryland and who previously paid a full title fee is reimbursable as a miscellaneous expense under FTR para. 2-3.lb(6).
 5. Claim for reimbursement of home inspection fee incurred by employee before purchasing new residence may not be paid as a residence transaction expense under FTR para. 2-6.2f since inspection

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was not a required service incident to residence purchase. Since FTR para. 2-3.1c provides that expenses disallowed under other provisions of the FTR may not be reimbursed as part of the miscellaneous expenses allowance, the home inspection fee is not reimbursable as an item of miscellaneous expense.

The question presented by Mr. John A. Marchetti, Authorized Certifying Officer, Department of Energy (DOE), concerns reimbursement of previously disallowed miscellaneous expenses claimed by Mr. Bruce L. Birchman, a Federal Energy Regulatory Commission (FERC), DOE employee, incident to his change of station from Massachusetts to Washington, D.C.

The costs of the administratively disallowed items which the employee contends should be allowed incident to his change of station are:

(1) Telephone installation	45.69
(2) Refrigerator door reversal	29.50
(3) Postage	6.27
(4) Duplicate auto title fee	1.00
(5) Home inspection fee	125.00

The matter is submitted for our decision, with a copy of the employee's justification for the reclaim items.

Employees who are transferred in the interest of the Government and paid expenses of travel and transportation under 5 U.S.C. 5724(a) (1976), are entitled to reimbursement for certain miscellaneous expenses under 5 U.S.C. 5724a(b). The allowance for miscellaneous expenses is payable in accordance with the regulations contained in the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973), Chapter 2, Part 3. Under these regulations and based on decisions of this Office we find that Mr. Birchman may be reimbursed for the first four items

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claimed, provided the aggregate amount of his reimbursement for miscellaneous expenses does not exceed the maximum allowable under FTR para. 2-3.3b.

Telephone installation. In B-170589, November 13, 1970, we held that telephone installation charges are reimbursable to the extent that the telephones and accessories replace similar equipment in the employee's former residence at his old duty station. Compare B-168582, January 19, 1970, in which we denied reimbursement for a telephone installation charge where there was no indication that the employee had similar equipment at his former residence. Mr. Birchman has now explained that the three regular telephones installed in his new residence replaced three telephones he had in his old residence in Massachusetts. Since the installation charge may be considered as for replacement items, Mr. Birchman may be reimbursed for replacing these three telephones as a part of the miscellaneous expenses allowance. We note that the telephone bills submitted in support of his claim indicate charges for work done on December 18 and 22 that total in excess of the \$45.69 amount claimed. Since these charges presumably cover work other than installation of the three replacement telephones, reimbursement should be made only upon explanation of the manner in which the employee determined that the charge allocable to installation of the three telephones totaled \$45.69.

Refrigerator door reversal. The employee has explained that his right-handed refrigerator had to be reversed by repositioning the hinges and door handle to open from the left side to fit into the kitchen in the new house. Since the charge for reversing the refrigerator door was not incurred as a matter of personal preference, but to accommodate the refrigerator, which had been in use in his former residence, for use in his new home, it may be reimbursed as a miscellaneous expense within the intent of para 2-3.1b. The charge is similar to that allowed in Matter of

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Gregory J. Cavanagh, B-183789, January 23, 1976, for adjusting and leveling a grandfather clock.

Postage costs. Mr. Birchman has submitted certified mail receipts for the postage costs incurred to mail back his Massachusetts license plates to the State of Massachusetts to avoid payment of an excise tax that would be required for the next year under Massachusetts State law. Since costs associated with bringing automobiles into certain jurisdictions are specifically recognized at FTR para. 2-3.1b as included in the miscellaneous expenses allowance, we believe that the allowance necessarily covers costs associated with bringing the automobile out of the jurisdiction of the employee's former residence. Because Mr. Birchman's action was required under the law of the State of his former residence, the postage costs claimed for mailing license plates are properly reimbursable as a miscellaneous expense. This is to be distinguished from the Cavanagh case, supra, where the cost of postage claimed for notifying creditors and magazine publishers of the employee's new address was disallowed.

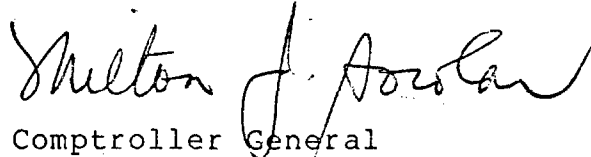
Duplicate title fees. This fee of \$1 is assessed by the State of Maryland to reregister the automobile of an owner who had previously resided in Maryland and previously paid a full title fee on the auto involved. It is not merely a charge for "duplicating" title documents incurred by reason of personal choice. Accordingly, the fee is reimbursable as a miscellaneous expense within purview of FTR para. 2-3.1b(6).

Home inspection fee. Mr. Birchman has explained that the home inspection fee of \$125 was for a structural inspection of the Maryland residence which he purchased, in part, because the inspection was satisfactory. In this regard, we held in Matter of Wayne J. Girton, B-185783, April 29, 1976, that an employee was not entitled to reimbursement of a fee for inspection of the general physical condition of a residence since the inspection was not a required service incident to the

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purchase transaction. The evidence here indicates that the inspection was performed for Mr. Birchman's benefit, as a matter of personal choice and was not an obligation or requirement imposed upon him as a purchaser of a residence at the new duty station. Thus, it is not reimbursable as a residence transaction expense under FTR para. 2-6.2f. And, because FTR para. 2-3.1c specifically provides that the miscellaneous expenses allowance shall not be used to reimburse an employee for costs "disallowed elsewhere in these regulations," the home inspection fee is not reimbursable as part of the miscellaneous expenses allowance.

Amounts otherwise reimbursable as miscellaneous expenses in accordance with this decision may be paid only within the limitation set forth in FTR para. 2-3.3(b). Specifically, the aggregate amount of the miscellaneous expenses allowance payable to Mr. Birchman as an employee with immediate family may not exceed his basic pay for 2 weeks. The reclaim voucher submitted by the employee should be allowed accordingly.



For the Comptroller General
of the United States