



**The Comptroller General  
of the United States**

Washington, D.C. 20548

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## Decision

**Matter of:** Vincent J. Markalonis - Relocation  
**File:** B-226022  
**Date:** May 4, 1987

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### DIGEST

Employee completed real estate transaction 2 years and 8 months after the effective date of his transfer but did not request a 1-year extension of the 2-year time limit for completion of real estate transactions until after the initial 2-year period had expired. Paragraph 2-6.1e(2)(b) of the Federal Travel Regulations (Supp. 4, August 23, 1982) requires employees to request an extension not later than 30 days after expiration of the initial 2-year period but permits agencies to extend the period for accepting requests for extensions. Accordingly, although payment cannot be made under the circumstances as they now exist, the agency should review the record to see if approval of an extension is warranted. If such approval then is given, the employee's real estate expenses may be reimbursed.

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### DECISION

This action concerns the claim of Vincent J. Markalonis for relocation expenses incurred 2 years and 8 months after the effective date of his transfer.<sup>1/</sup> The issue presented is whether Mr. Markalonis' failure to request a 1-year extension prior to expiration of the initial 2-year period precludes granting a 1-year extension. It is our view that the current regulations do not prohibit the agency from retroactively extending the original time limitation for requesting an extension. Thus, if the agency determines such an extension is proper, payment may be made to the employee.

Vincent J. Markalonis, an employee of the United States Air Force, was transferred from Gulf Breeze, Florida, to Eglin

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<sup>1/</sup> The claim was referred to the Claims Group of this Office for settlement by Headquarters, Air Force Accounting and Finance Center.

Air Force Base, Florida, effective September 15, 1980. He was authorized relocation expenses, but did not complete his real estate transaction for the sale of his residence at the old duty station until May 27, 1983.

By letter dated May 31, 1983, Mr. Markalonis informed the Air Force that he had not completed his real estate transactions until then and asked for waiver of the time limitations or, in effect, an extension of the time limitations involved. Mr. Markalonis explained that extended temporary duty and medical problems caused the delay in his relocation. He states that from August 25, 1980, through September 30, 1982, he was on temporary duty in Marietta, Georgia, and that he suffered heart attacks in December 1982 and February 1983 from which he did not recover entirely until April 25, 1983. For these reasons, he asserts, the time limitations for reimbursement of his real estate expenses should be waived.

The regulations governing reimbursement for real estate expenses incident to a transfer of duty station are contained in the Federal Travel Regulations (FTR).<sup>2/</sup> At the time of Mr. Markalonis' change of station, FTR para. 2-6.1e (May 1973) provided for reimbursement of real estate expenses provided the transaction was completed not later than 1 year after the date on which the employee reported for duty at the new permanent duty station. That provision further stated that the time limitation could be extended "for not more than 1 additional year" if the employee submitted a written request for such an extension. The extension could be approved even after the expiration of the 2-year period as long as the real estate transaction was completed within the 2-year period. See George F. Rakous, Jr., 57 Comp. Gen. 28 (1977).

That provision was superseded by FTR para. 2-6.1e (Supp. 4, August 23, 1982). The new regulations provide that, for employees whose effective date of transfer (date the employee reports for duty at the new official station) is on or after October 1, 1982, the time limitation for relocation expenses is 2 years from the date of transfer, with an authorized extension of up to 1 year. The extended period was also made applicable to previously transferred employees whose time limitation did not expire prior to August 23, 1982.

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<sup>2/</sup> The regulations set out in the FTR are restated for civilian employees of the armed services in Volume 2 of the Joint Travel Regulations.

In Mr. Markalonis' case, the effective date of transfer was September 15, 1980. Thus the 1-year time limitation expired September 15, 1981. If Mr. Markalonis had requested an extension he could have received up to an additional year to sell his residence, in which case his eligibility would have expired September 15, 1982.

Since the new regulations make the new 2-year period plus 1-year extension applicable to employees whose eligibility had not expired prior to August 23, 1982, Mr. Markalonis could be eligible to receive up to an additional year for reimbursement of his expenses.

However, the new regulations at FTR para. 2-6.1e(2)(b) provide as follows with respect to an employee's request for an extension:

"(b) The employee's written request should be submitted to the appropriate agency official(s) as soon as the employee becomes aware of the need for an extension but before expiration of the 2-year limitation; however, in no case shall the request be submitted later than 30 calendar days after the expiration date unless this 30-day period is specifically extended by the agency." —

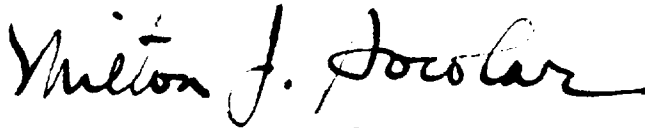
Since Mr. Markalonis did not submit a request for an extension until over 8 months after the initial 2-year period had expired, the agency questions whether an extension can be granted. We note in this regard that the relevant provisions of Volume 2 of the Joint Travel Regulations, paragraph C14000 (Change 208, February 1, 1983), are identical to the FTR provision quoted above.

Because the regulation quoted above is silent with respect to the question of whether an agency may retroactively extend the period for submitting a request for an extension, we requested the views of the General Services Administration which issues the FTR. We were informally advised that the intent of FTR para. 2-6.1e(2)(b) was to provide agencies with discretion to determine if they would consider requests submitted after expiration of the 2-year period but before expiration of the 3-year period. The GSA advised that it expects agencies to establish a policy based on their administrative needs and to notify employees of that policy in their internal travel regulations.

Accordingly, an extension of the 2-year period may be requested and approved after expiration of that period

if the agency finds that such approval is appropriate. Thus, if the agency finds that extenuating circumstances, acceptable to the agency, have prevented the employee from completing the residence transaction in the initial time frame and that the residence transaction is reasonably related to the transfer of station, the agency may approve such an extension and allow reimbursement. See amended FTR para. 2-6.1e(2)(c).

Accordingly, while we may not authorize payment on Mr. Markalonis' claim at this time, we are returning the claim to the agency for a review of the record and a determination whether to approve the extension in accordance with the above. If the approval is granted, payment should be made on Mr. Markalonis' claim.

A handwritten signature in cursive script, reading "Milton J. Fowler". The signature is written in black ink and is positioned above the typed name and title.

Acting Comptroller General  
of the United States