Putnam

Comptroller General of the United States

Washington, D.C. 20548

Decision

Matter of: William F. Jones, Jr.

File: B-241191

Date: March 18, 1991

DECISION

The issue in this decision is whether an employee who transferred back to his former duty station within 3 years of his initial transfer may be reimbursed for the expenses incurred in the purchase of a new residence at the former duty station.1/ Mr. William F. Jones, Jr., was transferred in the interest of the government from Ft. Meade, Maryland, to a National Security Agency (NSA) field site within the United States, reporting for duty on August 13, 1984. Mr. Jones's permanent change-of-station assignment was a "rotational" tour of duty with his travel orders specifying that the assignment would be for a period of approximately 36 months.

While on assignment at his new duty station, Mr. Jones leased out his house in the Ft. Meade area. He was notified of his transfer back to Ft. Meade by travel order dated March 31, 1987, and reported for duty on July 9, 1987. Upon his return to Ft. Meade, Mr. Jones reoccupied his residence, sold it in November 1988, and then purchased a new residence in the same area. He is claiming reimbursement of real estate expenses incurred in connection with the purchase.

An employee who is transferred back to a former duty station is under an obligation to avoid incurring unnecessary expenses and, therefore, once an employee is notified that he is being transferred back to his former duty station, the government's obligation to reimburse real estate expenses is limited to the expenses already incurred and those which cannot be avoided.2/

1/ The request for a decision was submitted by Mr. Alan P. Smith, Finance and Accounting Officer, Central Security Service, National Security Agency.

2/ See Warren L. Shipp, 59 Comp. Gen. 502 (1980), which also involved a NSA employee. See also Ida Faye Robinson, 69 Comp. Gen. 414 (1990).

The concept of avoidable expenses is limited to those employees who are notified of retransfer to their former duty stations within the maximum period, currently 3 years, allowed for completing transfer-related real estate transactions.3/ If an employee is notified of his or her transfer back to a former duty station after the 3-year period has expired, then the employee may be reimbursed for the purchase of a residence at his former duty station, even if he owns another house there.4/

Since Mr. Jones was notified of his retransfer to Ft. Meade within the maximum period of 3 years, he is not entitled to reimbursement of the expenses incurred in the purchase of a new residence in the Ft. Meade area.

James F. Hinchman
General Counsel

3/ See Robert T. Celso, 64 Comp. Gen. 476 (1985); Gerald L. Rooney, B-235336, Oct. 26, 1989; Mohamed M. Shanbaky, B-216401, Apr. 22, 1985; and para. 2-6.1e of the Federal Travel Regulations (Supp 4, Aug. 23, 1982).

4/ See Celso, supra.