

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

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B-178761

July 12, 1973

Mrs. Opal A. Shelton
Authorized Certifying Officer
Bureau of Outdoor Recreation
United States Department of the Interior

Dear Mrs. Shelton:

This is in reply to your letter dated May 23, 1973, reference F50, with enclosures, requesting a decision as to the propriety of certifying for payment a voucher submitted by Mr. Roy K. Wood, a former employee of the Department of the Interior, for \$225 representing the expense incurred by him in terminating a lease incident to his change of official station.

The record indicates that by a memorandum dated July 21, 1972, Mr. Wood was notified that he would be transferred from Atlanta, Georgia, to Washington, D.C., effective August 14, 1972. Mr. Wood owned a residence in Centreville, Virginia, which he had been leasing since 1967. On July 6, 1972, prior to being notified of his transfer, Mr. Wood entered an agreement to extend the existing lease on this residence for an additional year. To acquire possession of these premises for his own residential use incident to his transfer to Washington, Mr. Wood paid the tenants \$225 to obtain a release from the rental contract. Although the expense of terminating this unexpired lease was incurred for the purpose of obtaining a residence at his new station incident to his transfer, Mr. Wood has claimed reimbursement for the expense involved under the regulations which permit reimbursement of expenses involved in breaking a lease at the employee's old official station, subsection 4.2h of Office of Management and Budget Circular No. A-56, Revised.

In regard to an employee's expense of settling an unexpired lease incident to his transfer, subsection 5724a(a)(4) of title 5, United States Code, provides for reimbursement as follows:

Expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the old station and purchase of a home at the new official station required to be paid by him when the old and new official stations are located within the United States * * *. (Emphasis supplied.)

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The benefits authorized by that provision relating to the settlement of an unexpired lease are implemented by subsection 4.2h of Circular No. A-56 which provides in part as follows:

Settlement of an unexpired lease. Expenses incurred for settling an unexpired lease (including month-to-month rental) on residence quarters occupied by the employee at the old official station may include broker's fees for obtaining a sublease or charges for advertising an unexpired lease. * * * (Emphasis supplied.)

It is clear that both subsection 4.2h of the regulations and subsection (a)(4) of the statute authorize reimbursement for the expense of settling an unexpired lease only when the employee incurs such an expense in connection with vacating rented premises at his old duty station. Accordingly, there is no authority for reimbursing an employee for the expense of terminating a lease at his new duty station. B-173973, October 1, 1971, copy enclosed.

In view of the above, the voucher, with attachments, is returned herewith and may not be certified for payment.

Sincerely yours,

Paul G. Dembling

Acting Comptroller General
of the United States