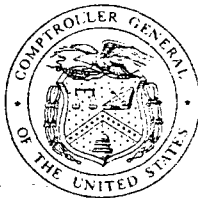


**DECISION**



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

FILE: B-198880

DATE: October 21, 1980

MATTER OF: Travis D. Skinner - *Request for Reimbursement of* Relocation Expenses ]

**DIGEST:** On the basis of the present record, it appears that the employee was not advised not to incur any expenses until confirmation of his transfer. Accordingly, the notice of tentative transfer pending completion of employment agreement and medical and security clearances establishes the requisite administrative intent to transfer and his claim for residence transaction expenses may be allowed if otherwise proper. See Comp. Gen. cites.

Mr. Skinner seeks reimbursement of real estate transaction expenses incurred prior to the date his formal travel orders were issued but after notice of his tentative transfer to another location. His claim is allowed if otherwise proper.

This action is in response to a request for a decision filed by Patrick M. Sedlacek, President of Local 715, Professional Air Traffic Controllers Organization (PATCO) on behalf of Travis D. Skinner, an air traffic controller employed by the Federal Aviation Administration (FAA). Pursuant to 4 C.F.R. § 21.5 (1979) the FAA was served with a copy of PATCO's submission and has acknowledged service. However, the agency has not otherwise responded to PATCO's submission.

According to PATCO's submission, Mr. Skinner was transferred from Houston, Texas to Guam but the FAA has refused to reimburse him for realty transaction expenses because the sale of his residence in Texas was completed prior to confirmation of his transfer. All other relocation expenses claimed have been paid.

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The record shows that by letter dated November 30, 1977, Mr. Skinner received notification of his tentative selection and transfer from Texas to Guam, pending return of an executed employment agreement and satisfactory medical and security clearances. He immediately made arrangements to sell his residence in Texas and the sale was closed on December 14, 1977. However, per agreement with the purchaser, Mr. Skinner continued to occupy his residence until January 26, 1978, when, according to PATCO, an FAA official advised him by telephone that his transfer had been confirmed and he should make arrangements for packing and shipping his household goods. While the record is not entirely clear as to the dates of subsequent events, it appears that travel orders were issued and Mr. Skinner reported for duty in Guam on March 6, 1978, as anticipated.

PATCO states that the agency's denial of Mr. Skinner's claim is based upon its assertion that Mr. Skinner was advised in writing not to incur any relocation expenses until his transfer was confirmed. However, PATCO states, that although this restriction was communicated by telegram to FAA's Houston Office, Mr. Skinner was not an addressee on the telegram and was not, in fact, informed of the restriction.

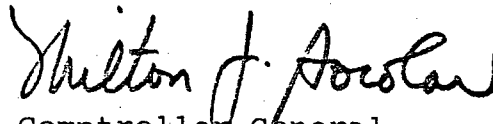
If Mr. Skinner was clearly advised not to incur any expenses until confirmation of his tentative transfer, he would not be entitled to reimbursement since the requisite administrative intent to transfer was not established at the time the expenses were incurred by the employee. Joseph C. Hutchinson, B-182013, May 14, 1975, and September 13, 1976. However, if no such restriction was communicated to him, the notice on November 30, 1977, of his transfer pending completion of an employment agreement and security and medical clearances is evidence of a clear administrative intent to transfer him. James H. Hogan, B-191912, April 5, 1979; Stanley N. Hirsch, B-187045, August 3, 1977; and Orville H. Myers, et al., 57 Comp. Gen. 447 (1978). Since this notice was received prior

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to the December 14 closing date for the sale of his residence, he would then be entitled to reimbursement for residence transaction expenses.)

[There is nothing in the record before us which controverts Mr. Skinner's claim that he was never advised not to incur any expenses until confirmation of his transfer. John J. Fischer, B-188366, January 6, 1978. Absent notice of such a restriction, the November 30 notice of transfer establishes the requisite administrative intent to transfer the employee.]

Accordingly, Mr. Skinner's claim for residence transaction expenses may be allowed if otherwise proper.]



For The Comptroller General  
of the United States