

11,112 PLI

**DECISION**



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

**FILE:** B-194127

**DATE:** August 10, 1979

**MATTER OF:** John W. Brown - Immediate Family - Aunt

**DIGEST:** Employee may not be reimbursed for relocation expenses of aunt who raised him since age 9 since he was never legally adopted by his aunt and, therefore, she is not within the definition of "immediate family" contained in FTR para. 2-4.1d (May 1, 1977). The term "dependent parents" as used in that regulation has reference only to dependent parents (including step- and legally adoptive parents) of the employee or his spouse.

We have been asked by a certifying officer for the Department of the Interior to review Mr. John W. Brown's [claim for reimbursement of relocation expenses incident to his transfer] in October 1978 from Basalt, Colorado, to Pendleton, Oregon, as an employee of the Bureau of Reclamation. Specifically, we are asked whether Mr. Brown, a single employee, may be reimbursed transportation and travel expenses for his aunt and whether he may be reimbursed other relocation expenses as an employee with immediate family.

As the certifying officer has pointed out, the employee's entitlement to the expenses claimed depends on whether his aunt is a member of his "immediate family" as that term is defined in para. 2-1.4d of the Federal Travel Regulations (FTR) (FPMR Temporary Regulations A-11, Supp. 4) May 1, 1977. Insofar as pertinent, the term "immediate family" is defined as follows:

"(1) Any of the following named members of the employee's household at the time he reports for duty at his new permanent duty station \* \* \*.

\* \* \* \* \*

"(c) Dependent parents (including step- and legally adoptive parents) of the employee or the employee's spouse (See (2), below, for dependent status criteria.) \* \* \*."

~~000130~~

It is Mr. Brown's contention that his aunt should be considered his "dependent parent" for the purpose of reimbursement of relocation expenses incident to his transfer to Oregon. In support of this position, he has explained that from the time he was 9 years old he was raised by his aunt and uncle; that after he finished high school his uncle was appointed his legal guardian; and that from 1946 until he was assigned to Basalt, Colorado, in 1974 he resided with his aunt and uncle. While Mr. Brown was assigned to and lived in Basalt, his aunt and uncle remained in Canon City, Colorado, upon the advice of their family physician. Mr. Brown commuted weekly to the home of his aunt and uncle. His uncle passed away in early 1977 and when Mr. Brown was transferred to Oregon his aunt accompanied him.

Mr. Brown has not provided information to substantiate his contention that his aunt is dependent upon him in the sense contemplated by FTR para. 2-1.4d(2). However, even under the assumption that he furnishes more than 51 percent of her support, Mr. Brown's aunt is not his dependent within the terms of the quoted regulation. Although Mr. Brown was raised by his aunt and uncle he was not legally adopted by them and, therefore, his aunt is not his "legally adoptive parent." Inasmuch as the term "step-parent" has reference to the spouse of the concerned individual's natural parent by virtue of a marriage subsequent to that of which the individual is the offspring, she is not his step-parent. The fact that Mr. Brown's uncle may have been appointed his guardian for a period before he attained the age of majority does not otherwise give his aunt the status of a "dependent parent." Decisions interpreting FTR para. 2-1.4d have consistently restricted the concept of "immediate family" to the categories of persons enumerated therein. B-169885, July 10, 1970; Matter of Richard J. Pulliam, B-188294, June 15, 1977.

Since Mr. Brown's aunt is not his "dependent parent" within the meaning of FTR para. 2-1.4d, he may not be reimbursed the expenses which he has claimed for her travel and transportation, nor may he be reimbursed the miscellaneous expenses claimed at the \$200 rate for an employee with immediate family.

  
Acting Comptroller General  
of the United States