

B-256230

August 17, 1994

Mr. Richard T. Brown  
Air Force Audit Agency  
303 South Crickets, Suite 2  
Kelley AFB, Texas 78241-6023

Dear Mr. Brown:

This further responds to your December 6, 1993, letter appealing our Claims Group settlement, Z-2868779, November 3, 1993, denying your claim for reimbursement for an additional 46 days of temporary quarters subsistence expenses (TQSE) incident to your permanent change-of-station transfer in 1992 from Ramstein AB, Germany, to Kelly AFB, Texas.

Essentially, you argue that the Air Force acted arbitrarily in limiting the extension of TQSE they granted you to 14 days rather than the full 60 days you requested. You argue that since you were not authorized a househunting trip, which would have allowed you more time to obtain permanent quarters, such as employees transferring between two duty stations in the United States may receive, different rules should apply to you concerning granting an extension of TQSE.

In your case, the agency authorized an initial period of 60 days, and it did grant you an extension of 14 additional days in recognition of your efforts to locate housing at your new duty station and the fact that you did not receive a househunting trip. However, it denied the additional 46 days you requested on the basis that while in the TQSE status you elected to have a home constructed with the knowledge that you would not be able to occupy that home until after the initial 60 days of TQSE expired. The determination was within the agency's discretion to make, and the reason for their denial is supported by provisions of the applicable regulations. Federal Travel Regulations,

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<sup>1</sup>The statute which authorizes househunting trips limits such trips to persons whose old and new duty stations are in the United States. 5 U.S.C. § 5724a(a)(2).

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41 C.F.R. § 302-5.2(a)(2).<sup>2</sup> The regulations make no specific provision for applying different rules regarding TQSE to those transferring from outside the United States.

As the Claims Group noted, the decision to authorize an initial period of TQSE or an extension rests with the agency, and we will not set aside an agency's decision regarding TQSE absent an abuse of discretion. Peter A. Christ, B-235203, Jan. 2, 1990. We have reviewed the Claims Group's file and your letter of appeal and found no basis to set aside the agency's decision. Accordingly, the Claims Group's settlement is affirmed.

Sincerely yours,

/s/ Seymour Efros  
for Robert P. Murphy  
Acting General Counsel

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<sup>2</sup>The substance of this provision is restated in the Joint Travel Regulations, Vol. 2, para. C13004-1b and c, applicable to DOD civilian employees.

**Date:** August 17, 1994

**To:** Director, Claims Group/OGC - Sharon S. Green

**From:** Acting General Counsel - Robert P. Murphy

**Subject:** Richard T. Brown, Z-2868779, B-256230

We are returning your file in the above captioned case. By our decision, B-256230, dated today, we are sustaining the Claims Group's settlement.

Attachments - 2

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DIGEST

An employee who had been authorized a 60-day period of temporary quarters subsistence expenses (TQSE) incident to a transfer from an overseas post to Texas requested a 60-day extension. The agency's decision to limit the extension to 14 days was a reasonable exercise of agency discretion. On appeal, the employee alleges the agency abused its discretion in not granting the full 60 days since he was not authorized a househunting trip before his relocation, making it more difficult for him to move into permanent quarters within the initial 60-day period. This is a matter within the agency's discretion and the agency's decision was supported by provisions of governing regulations which make no special provision for employees who are not authorized a househunting trip because they are transferring from outside the United States. Denial is sustained.