

The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

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Matter of: Shirley Oliveira<sup>✓</sup>-Reimbursement for Commercial Lodgings

File: B-233841

Date: January 26, 1990

### DIGEST

Defense Department civilian employee on temporary duty who left government quarters which she considered inadequate and moved into commercial lodgings may not be reimbursed her commercial lodging costs where installation officials determined that the government quarters were adequate and therefore declined to issue a statement of non-availability pursuant to 2 JTR para. C1055. GAO will not substitute its judgment for that of officials who are responsible for determining adequacy of government quarters absent clear evidence that their determination was arbitrary or unreasonable.

### DECISION

Ms. Shirley Oliveira, a civilian employee of the Defense Logistics Agency, Department of Defense, was assigned to temporary duty to attend a training course conducted at a government installation, the Defense Electronic Supply Center (DESC) in Dayton, Ohio, from February 29 through March 11, 1988. Government quarters were reserved for Ms. Oliveira at the DESC. From Sunday, February 28, until the morning of Wednesday, March 2, the heat and hot water in Ms. Oliveira's quarters went off several times and repairs had to be made. Ms. Oliveira also had difficulty with the maid service at the government quarters. When Ms. Oliveira complained to officials at the DESC installation about her government quarters, they advised her that, while she was free to leave, they would not issue a statement that the quarters were inadequate and therefore unavailable.

On the morning of March 2, Ms. Oliveira called her supervisor at her permanent duty station to advise him of the conditions she was experiencing. Based on the conditions she described, he instructed her to secure hotel accommodations. Shortly after 11 a.m. on March 2 Ms. Oliveira vacated the government quarters and checked into a hotel.

PUBLISHED DECISION

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Evidently the heat and hot water were restored to the government quarters on the afternoon of March 2.

As a result of annual appropriation limitations implemented by para. C1055 of Volume II, Joint Travel Regulations (JTR), civilian employees of the Defense Department on temporary duty may not be reimbursed for commercial lodging costs if adequate government quarters are available but not used. The general rule is that unless the employee can produce a statement of non-availability of government quarters, as prescribed by para. C1055 of the JTR, it is assumed that adequate government quarters were available; therefore, reimbursement for commercial quarters is not allowed. See Henry L. Huffmann, Jr., B-225082, Sept. 3, 1987, and cases cited. The determination of whether adequate government quarters are available is entrusted to officials at the installation where the quarters are located, not the supervisor at an employee's permanent duty station, and our Office will not substitute its judgement as to the adequacy of government quarters for that of the installation officials. Jerry Cardinal, B-191297, Aug. 2, 1979; Ronald Miele, B-192271, Nov. 8, 1978.

It appears in the instant case that the government quarters provided to Ms. Oliveira were deficient during the several days she stayed there due to the periodic loss of heat and hot water. Had these conditions persisted, they may well have provided a basis for a determination that the government quarters were inadequate. However, it is undisputed that the heat and hot water problems were remedied on the same day that Ms. Oliveira vacated her government quarters. Ms. Oliveira's other complaint was that adequate linens were not available at the government quarters and that daily maid service was not provided. However, the DESC officials state that adequate linen was available and that maid service was provided every other day. In these circumstances, we do not believe that the refusal of the DESC officials to issue a statement of non-availability to Ms. Oliveira at the time she relocated to commercial lodgings was arbitrary or unreasonable.

Finally, the fact that Ms. Oliveira's supervisor at her permanent duty station instructed her to seek commercial lodgings does not provide a basis for concluding that the government quarters were inadequate. As noted previously, the determination as to the adequacy of the government quarters is the responsibility of officials at the installation concerned. In any event, the record contains a statement by Ms. Oliveira's supervisor that his instructions were based solely on her account of the conditions at her government quarters and that he did not know the government

quarters had been repaired on the day that she left those quarters.

In view of the foregoing, we conclude that the DESC officials acted reasonably in declining to issue a statement of non-availability to Ms. Oliveira. Accordingly, her claim for commercial lodgings may not be allowed.

*Milton J. Fowler*

for Comptroller General  
of the United States

Civilian Personnel  
Travel  
Lodging  
Reimbursement  
Government quarters  
Availability