

**DECISION**



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

60599

FILE: B-185727

DATE: MAR 2 1976 98524

MATTER OF:

William H. Maine - Reimbursement for Temporary  
Quarters Expenses for Immediate Family

DIGEST:

Employee reported to new official duty station in September 1974 and rented apartment for his own use. His immediate family vacated residence at old official station on February 24, 1975, and joined employee for a few days. During month of March 1975 employee's family occupied temporary quarters over 200 miles from his official duty station where employee made settlement on new home on March 31, 1975. Employee is not entitled to temporary quarters expenses allowance for his family since family did not occupy temporary quarters in connection with intended move to his new station.

This matter is before us on a request for an advance decision, reference: A:F:A:MAW, from Marie A. Watkins, an authorized certifying officer of the Department of the Treasury, Bureau of Alcohol, Tobacco and Firearms, and concerns the propriety of certifying for payment the reclaim voucher of Mr. William H. Maine for temporary quarters expenses for his family following his transfer and permanent change of official duty station from Raleigh, North Carolina, to Salisbury, North Carolina, in September 1974.

The record shows that Mr. Maine reported for duty at his new official duty station on September 15, 1974, and that he rented an apartment from September 1974 to June 1975 at which time he went on sick leave and submitted his retirement application.

The record further shows that Mr. Maine's wife and two children remained at the old duty station until February 24, 1975, when they vacated their residence and joined Mr. Maine. Thereafter, the family moved to Gainesville, Georgia, where Mr. Maine eventually purchased a new residence, and occupied temporary quarters from March 1 to March 30, 1975. The distance between Gainesville, Georgia, and Salisbury North Carolina, is over 200 miles and the employee had not commuted on a daily basis to his post of duty station.

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The employee's claim for temporary quarters expenses was administratively denied on the ground that when the family moved to temporary quarters in Gainesville, Mr. Maine was already occupying his permanent quarters in Salisbury, North Carolina, his post of duty station.

The Federal Travel Regulations (FTR) (FPMR-101-7, May 1973) provide in section 2-5.2.f, as follows:

"f. Computation of 30 or 60 days allowable. In computing the length of time allowed for temporary quarters at Government expenses under the 30- or 60-day limitations specified herein, such time will begin for the employee and all members of his immediate family when either the employee or any member of the immediate family begins the period of use of such quarters for which a claim for reimbursement is made and the time shall run concurrently. The employee may occupy temporary quarters at one location while members of the immediate family occupy quarters at another location. The period of eligibility shall terminate when the employee or any member of his immediate family occupies permanent residence quarters or when the allowable time limit expires, whichever occurs first."

Although the record indicates that Mr. Maine rented and occupied permanent type quarters in Salisbury during the period involved, there is nothing in the record to indicate that his family intended to reside therein permanently. Moreover, there is no indication that the apartment was suitable for a family of four on a permanent basis. Accordingly, we cannot hold that Mr. Maine's family occupied permanent quarters when they stayed for a few days in his apartment in Salisbury. Nevertheless, Mr. Maine's entitlement to the temporary quarters expenses allowance for his family is questionable since FTR para. 2-5.2d provides in pertinent part as follows:

"\* \* \* Temporary quarters should be regarded as an expedient to be used only if or for as long as necessary until the employee concerned can move into permanent residence quarters."

In the instant case Mr. Maine made settlement on March 31, 1975, on a residence purchased in Gainesville. Since the residence

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was at a distance of over 200 miles from his official station in Salisbury, and he rented an apartment at his post of duty, it is apparent that he did not intend to commute daily from his new residence. Also, there is no indication that Mr. Maine's family resided after March 1, 1975, or intended to reside at his post of duty in Salisbury. On the contrary, inasmuch as the family lodged in Gainesville during the 30-day period immediately prior to the settlement on the new residence, it appears that they intended to reside permanently there. Under such circumstances we do not believe that Mr. Maine's family occupied temporary quarters in connection with his transfer so as to entitle him to reimbursement for the expenses incident to such occupancy.

In view of the above the reclaim voucher may not be certified for payment.

R. F. Keller

Deputy, Comptroller General  
of the United States