

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

FILE: B-183829

DATE: JAN 2 1976

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271MATTER OF: Harrison J. Lane--Transportation of Household Goods
and Subsistence While Occupying Temporary Quarters

DIGEST:

1. Employee occupied furnished apartment at new duty station incident to transfer. Claim for temporary quarters subsistence expense was denied since he continued to reside in apartment for nearly 1 year. Claim may be allowed since employee manifested intent not to permanently occupy apartment by seeking financing on residence soon after arrival at new duty station. After that effort was unsuccessful, employee purchased land and began negotiations for mobile home that he intended to purchase with proceeds from sale of former residence, which was not sold until nearly 1 year after transfer.
2. Certifying officer requests decision on proper weight to base computation of employee's entitlement to commuted rate for transportation of his household goods. Doubt arises because only one of four weight slips provided by employee was certified by weight-master as household goods. Federal Travel Regulations do not contain requirement for such certification. Furthermore, since meaning of term "household goods" is limited by FTR para. 2-1.4h (May 1973), certifications by personnel of weighing stations, who are unlikely to be familiar with such definition, would appear to be of little value. Therefore, certification is not required in this case.

This action is in response to the undated letter of Herman C. Heiser, Chief, Office of Systems and Financial Management, Defense Supply Agency (DSA). Mr. Heiser's letter, which was forwarded via the Per Diem, Travel and Transportation Allowance Committee and assigned PDTATAC Control No. 75-13, submits the voucher of Harrison J. Lane, an employee of DSA, as containing items for which entitlement appears to be doubtful.

The items which DSA believes are doubtful and the reasons therefor are:

1. Temporary quarters subsistence expense is questioned since Mr. Lane continued to reside in the temporary quarters through March 1975.
2. Transportation of household goods because not all of the weight slips provided by Mr. Lane are certified by a weightmaster as being household goods.

Incident to Mr. Lane's transfer from Grand Prairie, Texas, to Greenville, Texas, effective March 11, 1974, he was issued Travel Order RGE 119-74, which authorized, inter alia, 30 days temporary quarters subsistence expense and shipment of household goods not in excess of 11,000 pounds. Mr. Lane placed his residence on the market during April 1974. He proceeded to his new duty station on March 10, 1974, where he rented a furnished apartment, and his family joined him on June 17, 1974.

We have informally ascertained that Mr. Lane attempted to obtain financing for a residence at his new duty station immediately after his arrival in Greenville, but was unable to do so. He then began negotiations to purchase land on which he intended to place a mobile home that was to be purchased with the proceeds from the sale of his residence at his former duty station. Because of difficulties in selling his former residence, Mr. Lane requested, and was granted, a 1-year extension of the time limitation on real estate transactions imposed by Federal Travel Regulations (FPMR 101-7) para. 2-6.1e (May 1973). In contemplation of approval of his loan to purchase the land, Mr. Lane constructed a storage building on the property in October 1974, and during January 1975, had utility hook-ups installed at the property. His former residence was sold in March 1975, at which time he purchased a mobile home to be placed on his recently acquired property. At this time, Mr. Lane vacated the furnished apartment.

Federal Travel Regulations para. 2-5.2c (May 1973) defines temporary quarters as follows:

"The term 'temporary quarters' refers to any lodging obtained from private or commercial sources to be occupied temporarily by the employee or members of his immediate family who have vacated the residence quarters in which they were residing at the time the transfer was authorized."

B-183829

We have consistently held that a determination as to what constitutes temporary quarters is not susceptible of any precise definition, and any such determination must be based on the facts in each case. B-183239, June 25, 1975. Thus, in past decisions we have considered such factors as the duration of a lease, B-173326; October 27, 1971, movement of household effects into the quarters, B-175913, June 19, 1972, the type of quarters, B-167361, August 5, 1969, expressions of intent, B-179870, September 26, 1974, attempts to secure a permanent dwelling, B-163893, May 9, 1968, and the period of residence in the quarters by the employee, B-167632, August 20, 1969. The above factors were utilized in attempting to determine whether the intent of the employee was to occupy the quarters on a permanent or temporary basis. Thus, in certain cases payment of temporary quarters allowance has been allowed where the employee manifested an intent to only temporarily occupy quarters, even though such quarters subsequently became permanent. B-176367, August 4, 1972, and 53 Comp. Gen. 508 (1974).

We believe that the facts of this case, as outlined above, evidence an intent on the part of Mr. Lane to occupy the furnished apartment temporarily until arrangements could be made for suitable permanent quarters.

The second question presented concerns the proper weight upon which to base reimbursement for transportation of Mr. Lane's household goods.

The file contains weight slips submitted by Mr. Lane which indicate a total net weight of 9680 pounds. That figure was questioned by the finance officer because only one of the weight slips was certified by a weightmaster as being household goods. The remaining four weight slips, totaling 8700 pounds, do not indicate the nature of the cargo. However, Mr. Lane has certified in writing that the weight slips totaling 8700 pounds represent household goods moved by him incident to his transfer. Additionally, Atlas Van Lines prior to the move gave Mr. Lane an estimate of 8200 pounds of household goods.

The Federal Travel Regulations contain no provision specifically requiring certification by personnel of weighing stations that the goods being transported are "household goods." Furthermore, since the meaning of the term "household goods" is limited by the definition of the term found at FTR para. 2-1.4.h (May 1973), certifications provided by personnel of weighing stations, who are unlikely to be familiar with such definition, would appear to be of little value in cases such as this.

B-183829

Accordingly, we view the lack of such certifications on four of the five weight slips in this case to be immaterial in the absence of evidence that items prohibited by FTR para. 2-1.4.h were included in the shipments evidenced by the weight slips. Likewise we do not believe that, under the facts of this case, the difference in net weight between the weight slips and the moving company estimate is sufficient to discredit the validity of the weight slips provided by Mr. Lane. Therefore, since the 9680 pounds of household goods transported is within the limit of the amount which was authorized, computation should be based on 9680 pounds.

The voucher is returned and should be settled in accordance with this decision.

Paul G. Dembling

Acting Comptroller General
of the United States