

DOCUMENT RESUME

03180 - [A2273384]

[Retroactive Approval of Actual Subsistence Expenses]. B-188346.
August 9, 1977. 2 pp.

Decision re: Robert L. Davis; by Robert F. Keller, Deputy
Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation
(305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel
Management (805).

Organization Concerned: Department of the Navy: Navy Regional
Finance Center, Treasure Island, CA.

Authority: F.T.R. (FPMR 101-7), para. 1-7.1. F.T.R. (FPMR
101-7), para. 1-8. B-184006 (1976).

R. T. Wong, Central Disbursing Officer for the Navy
Regional Finance Center, Treasure Island, California, requested
a decision on the propriety of paying a claim for a
nonrefundable security deposit and forfeited prepaid rent which
resulted from a shortened assignment of temporary duty. If the
agency determines that the employee qualifies for actual
subsistence expenses, he may be reimbursed for his actual
subsistence expenses not to exceed the statutory maximum. The
total amount of rent paid may be prorated over the period the
employee occupied the lodgings. (Author/SC)

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S. C. [unclear]
[unclear]

DECISION



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

FILE: B-188346

DATE: August 9, 1977

MATTER OF: Robert L. Davis - Retroactive Approval of
Actual Subsistence Expenses

DIGEST:

1. Employee who forfeited prepaid rent and security deposit as result of shortened assignment of temporary duty was authorized and reimbursed at maximum per diem. If agency determines that employee qualifies for actual subsistence expenses, he may be reimbursed his actual subsistence expenses not to exceed statutory maximum.
2. In determining actual subsistence expenses of employee who forfeited prepaid rent and security deposit as result of shortened assignment of temporary duty, total amount of rent paid may be prorated over period employee occupied lodgings.

This action is in response to a letter from Mr. R. T. Wong, Central Disbursing Officer, Navy Regional Finance Center, Treasure Island, requesting a decision on the propriety of paying a voucher submitted by Mr. Robert L. Davis. Mr. Davis claims \$200 for a nonrefundable security deposit and \$203 in forfeited rental payments he paid while on temporary duty in Honolulu, Hawaii, following his emergency evacuation from Saigon, Vietnam, where he was employed with the Defense Attache Office.

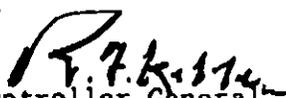
The record indicates that Mr. Davis and his family were evacuated from Saigon on April 29, 1975, and traveled via U. S. Navy ship to Fort Shafter, Hawaii, for indefinite temporary duty with the Defense Attache Residual Office. Mr. Davis states that he was told he would remain at Fort Shafter for 2 to 3 months. Therefore, he rented accommodations for himself and his family in Honolulu for the period May 31 through June 29, 1975, at the cost of \$435.50. He also paid a \$200 nonrefundable security deposit. On June 16, 1975, he received orders to leave the Honolulu area and report for temporary duty at the Personnel Processing Center, Treasure Island, California. Therefore, he left Honolulu on June 16, 1975, and forfeited \$203 in nonrefundable rental payments and the \$200 security deposit. On August 15, 1975, Mr. Davis was authorized travel to his new permanent duty station, the Naval Support Activity, New Orleans, Louisiana.

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Mr. Davis has been reimbursed on a per diem basis for his travel from Saigon to New Orleans. He has received the maximum per diem, \$40, for his stay in Honolulu. However, since his stay in Honolulu was shortened by his agency, he incurred the additional expenses discussed above. Therefore, the disbursing officer requests our decision on whether or not Mr. Davis should be reimbursed for the forfeited rental payment, not to exceed the maximum per diem, plus \$200 for the security deposit.

Since Mr. Davis was on temporary duty while in Honolulu, reimbursement for travel and per diem during that period is covered by the Federal Travel Regulations (FPMR 101-7) (May 1973). The travel regulations state that per diem is intended to serve for all reimbursable subsistence expenses, including lodging, and consequently may not be supplemented by additional payment to cover any subsistence item otherwise included in the per diem. FTR para. 1-7.1. However, FTR para. 1-8 provides that an allowance of actual subsistence expenses may be authorized when the maximum per diem allowance would be much less than the amount required to meet the necessary subsistence expenses due to the unusual circumstance of the travel assignment. A change in authorization from a per diem allowance to an actual expense allowance is within an exception to the general rule that travel authorizations may not be retroactively modified. Matter of George Avery, B-184006, November 16, 1976, and decisions cited therein. We would not object if an appropriate official in the Department of the Navy determines, in accordance with FTR para. 1-8.1 and the guidance set forth in Avery, that Mr. Davis acted reasonably in securing lodging for an extended period and approves reimbursement of his actual subsistence expenses, not to exceed the statutory maximum, for his stay in Honolulu. In this regard, when computing Mr. Davis' actual expenses, it would be proper to prorate the total amount of rent paid over the period the apartment was actually occupied, rather than over the period covered by the rental agreement. Avery, supra.

Accordingly, if a revised voucher is prepared in accordance with the above, payment on an actual expense basis may be authorized.


Deputy Comptroller General
of the United States