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DECISION



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

FILE: B-189556

DATE: December 15, 1977

MATTER OF: Gerald M. Anderson - Amendment of Travel
Orders to Authorize Extension of Temporary
Quarters Subsistence Expenses

DIGEST: Employee, who was transferred from Alaska, was authorized 30 days' temporary quarters subsistence expenses. Employee spent 42 days in temporary quarters and was subsequently authorized reimbursement for the additional 12 days under FTR para. 2-5.2b (FPMR 101-7, May 1973). Since 5 U.S.C. 5724a and implementing regulations contemplate subsequent approval of extension of temporary subsistence for up to an additional 30 days, post-travel approval was valid and claim for the additional 12 days may be paid.

By a letter dated July 5, 1977, Ms. Lavina E. Peters, an authorized certifying officer of the Department of Health, Education, and Welfare (HEW), requests our decision concerning a voucher submitted by Mr. Gerald M. Anderson, an employee of the Social Security Administration, for subsistence while occupying temporary quarters incident to a permanent change of station.

The record indicates that on January 5, 1976, Mr. Anderson was authorized to transfer from Anchorage, Alaska, to Olympia, Washington. The travel order authorized temporary subsistence for him and his family for 30 days. Mr. Anderson subsequently submitted a travel voucher in the amount of \$4,011.81, requesting reimbursement of certain costs, including temporary subsistence for 42 days. The voucher contained an authorization for the additional 12 days signed on September 15, 1976, by the Acting Assistant Regional Commissioner. The authorization on the voucher stated as follows:

"I certify the additional 12 days of temporary subsistence were necessary and in the best interest of the Government. Temporary subsistence is authorized and approved for 42 days. Per travel manual chapter 3-60, part 5, section 2-5.2b."

The voucher was examined by the certifying officer and scheduled for payment in November 1976 in the amount of \$3,498.47. An amount of \$504.60 representing temporary subsistence expenses for 12 days was administratively suspended, notwithstanding the

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authorization therefor on the voucher. The suspension was based upon the fact that the initial travel orders authorized only 30 days' temporary quarters subsistence allowance, and that prior to the transfer, Mr. Anderson had requested the allowance for only 30 days.

Mr. Anderson has filed a reclaim voucher in the amount of \$504.60 representing the suspended temporary quarters subsistence allowance. The agency's travel approving authority states that it is the agency's policy to authorize temporary quarters not to exceed 60 days for all employees who transfer from Alaska, and that it was an administrative oversight to have authorized only 30 days in the case of Mr. Anderson. The certifying officer contends, however, that the claim must be denied since a travel order cannot be amended retroactively in the absence of an administrative error. It is her view that since Mr. Anderson initially requested temporary quarters for only 30 days, no administrative error occurred.

Our decisions have frequently cited and relied on the general rule that legal rights and liabilities in regard to travel and relocation allowances vest when the travel or relocation is performed pursuant to the travel authorization and that the authorization may not be revoked or modified retroactively so as to increase or decrease the rights and benefits which have vested or become fixed under applicable statutes or regulations. Exceptions have been made to correct apparent errors or to complete an incomplete travel order in accordance with the original intent of the official who issued the order. See 54 Comp. Gen. 638, 639 (1975) and 51 *id.* 736 (1972). The facts in this case do not indicate that Mr. Anderson's travel authorization was incomplete or contained an error so as to come within any of the exceptions outlined above. Accordingly, we must consider whether the employee's rights and benefits had vested or become fixed under applicable statutes and regulations so as to preclude the retroactive amendment of his travel authorization.

Reimbursement of a transferred employee's temporary quarters subsistence expenses is governed by 5 U.S.C. 5724a (1970) which provides that the period of residence in temporary quarters "may be extended for an additional 30 days" when the employee

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moves to or from Alaska. That authority has been implemented by paragraph 2-5.2b of the Federal Travel Regulations (FPMR 101-7, May 1973) which provides as follows:

"b. Additional time in certain cases.
To the extent determined to be necessary,
expenses as provided above may be allowed
for a period not to exceed an additional
30 consecutive days while the employee
and family are occupying temporary quarters
if the employee is transferred either to
or from Hawaii, Alaska, the territories
and possessions, the Commonwealth of
Puerto Rico, or the Canal Zone. The same
considerations as expressed above are
applicable in allowing any extension of
the additional period." (Emphasis supplied.)

We have held that pursuant to the above-cited statute and regulations an employee relocated to Alaska may under certain conditions be reimbursed temporary quarters subsistence expenses for a maximum period of 60 days. We believe that normally the initial authorization should not exceed 30 days. When an appropriate authority determines it to be necessary, the employee may be authorized temporary quarters subsistence expenses for an additional period of time, not to exceed a second 30-day period. Thus, we have held that the statute and regulations contemplate a separate and subsequent approval of the extension for an additional 30 days' temporary quarters subsistence. Joseph D. Argyle, B-186317, January 24, 1977. Therefore, in view of the agency policy to authorize up to 60 days' temporary subsistence expenses, if needed, the subsequent authorization by the Acting Assistant Regional Commissioner constitutes sufficient authority to permit reimbursement of the additional 12 days spent by Mr. Anderson in temporary quarters.

Accordingly, the reclaim voucher may be certified for payment if otherwise correct.


Deputy Comptroller General
of the United States