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DECISION



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

FILE: B-190553

DATE: January 31, 1978

MATTER OF: John S. Gough - Home Service Transfer Allowance

DIGEST: Employee transferred from Athens, Greece, to Washington, D.C., was authorized home service transfer allowance under section 250 of the Standardized Regulations (Government Civilians, Foreign Areas). Employee submitted claim of \$33 per day for lodging portion of home service transfer allowance for days that he and family resided with relatives. Since section 251.1a of Standardized Regulations authorizes only "reasonable expenses," this Office applied ruling of 52 Comp. Gen. 78 (1972) which established guidelines for determining reasonableness of employees' claims for subsistence while occupying temporary quarters when they resided with relatives.

This action results from the appeal of Mr. John A. Gough, an employee of the Department of State, of the settlement dated August 25, 1977, by our Claims Division which denied his claim for home service transfer allowance.

Mr. Gough was reassigned from Athens, Greece, to Washington, D.C., effective May 21, 1976. Incident to that reassignment Mr. Gough claimed expenses for the temporary lodging of himself and his family by residing with relatives in Baltimore, Maryland, from May 21 through May 25, 1976, and from June 5 through June 18, 1976, at \$33 per day. During the intervening period, he occupied commercial lodging in Alexandria, Virginia, at a cost of \$36 per day. The sole issue presented pertains to the reasonableness of the \$33 per day for lodging that Mr. Gough paid to his mother-in-law.

The home service transfer allowance is authorized by section 250 of the Standardized Regulations (Government Civilians, Foreign Areas). The allowance is defined at section 251.1a, as follows:

"Home service transfer allowance" means an allowance for extraordinary, necessary, and reasonable expenses,

B-190553

not otherwise compensated for, incurred by an employee incident to establishing himself at a post of assignment in the United States (Sec. 040a) between assignments to posts in foreign areas." (Emphasis added.)

One of the elements of the home service transfer allowance is for temporary lodging. Section 251.2c sets forth its scope:

"a temporary lodging portion designed to offset the room cost of accommodations in a hotel, pension, or other transient-type quarters, including obligatory service charges. A house or apartment may not be designated as 'temporary lodging' unless the head of agency determines that it is occupied on a temporary basis. The cost of meals and tips of all kinds are excluded. The amount paid under the temporary lodging portion is either the employee's daily expenses for allowable items or the maximum prescribed rate (Sec. 942.2), whichever is less. The temporary lodging portion is granted for periods during which expenses for temporary lodging were incurred within the time limits established in section 252.2." (Emphasis added.)

At the outset, we note that the above-quoted section states that a house or apartment may not be designated "temporary lodging" unless the head of the agency determines that it is occupied on a temporary basis. The record does not contain any indication that such a designation has been made. Accordingly, absent the requisite determination by the head of the agency Mr. Gough's claim may not be allowed. However, in the event that the proper determination

B-190553

is provided, the claim should not be allowed for the full amount claimed. Section 251.1a, quoted above, provides for the allowance of "reasonable expenses." With regard to the matter of reasonable expenses for lodging paid to an employee's relatives, this Office held in 52 Comp. Gen. 78 (1972) that for the purpose of reimbursing an employee for subsistence while occupying temporary quarters under the Federal Travel Regulations, an employee may not be reimbursed the same amount he would pay for commercial lodging or an amount based upon the maximum amounts allowable under regulation. Rather, the amount for reimbursement depends upon the circumstances of each particular case, such as the number of individuals involved, the extra work performed by relatives, and the need to hire extra help. The burden is on the employee to furnish sufficient information to permit a determination to be made. While our decision in 52 Comp. Gen. 78, supra, dealt with subsistence while occupying temporary quarters under the Federal Travel Regulations we believe that the holding of the decision pertaining to reasonableness is equally for application to similar allowances, such as the temporary lodging portion of the home transfer allowance.

Finally, Mr. Gough details certain circumstances of a personal nature that he states necessitated the lodging of his family with relatives. An employee's rights with regard to entitlement to travel allowances are established by statute and regulation. Absent specific statutory authority such rights may not be enlarged by any administrative official, regardless of any extenuating circumstances which may be present. 53 Comp. Gen. 364 (1973).

Accordingly, on the basis of the record before us we must sustain the action of our Claims Division in disallowing the claim of Mr. Gough.


Deputy Comptroller General
of the United States