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*Agustin CP*

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20540**

**FILE: B-190716**

**DATE: May 9, 1978**

**MATTER OF: Richard Ennis - Subsistence Expenses at  
Temporary Quarters Owned by Relative**

**DIGEST:** Transferred employee seeks reimbursement for temporary quarters occupied at sister's residence. Claim is in amount of \$102.46 which represents cash payment of \$20 and cancellation of sister's indebtedness of \$82.46. Claim is disallowed since no information was furnished as to whether sister incurred additional expense to furnish employee lodging, whether she performed extra work, etc. See 52 Comp. Gen. 78 (1972).

By letter dated November 2, 1977, Mr. Richard Ennis, an employee of the U.S. Internal Revenue Service, has appealed the action of our Claims Division by certificate of settlement dated October 21, 1977, which disallowed Mr. Ennis' claim in the amount of \$102.46 for lodging expenses incurred while occupying temporary quarters incident to a transfer.

The record shows that in January of 1975, Mr. Ennis was transferred from Gary, Indiana, to Washington, D.C. Upon his arrival in the Washington area Mr. Ennis occupied temporary quarters at his sister's residence in Columbia, Maryland. Mr. Ennis states that he and his sister agreed that the rate for his lodgings would be \$15 per day exclusive of meals, and that this daily rate was based upon the existing approximate minimum motel rates in the area. Mr. Ennis resided with his sister for a 7-day period and thus the agreed cost of his lodgings was \$105.

Mr. Ennis states that prior to his transfer he had incurred expenses in behalf of his sister in the amount of \$82.46 incident to transporting some household goods from their mother's residence in Wisconsin to his former residence in Gary, Indiana, so that he could transport these goods to Washington, D.C. The amount of \$82.46 as itemized by Mr. Ennis represents the cost of renting a truck in order to move these goods from Wisconsin to Gary. Rather than presenting his sister with a check in the amount of \$105 for his lodgings, his sister agreed to offset her indebtedness against Mr. Ennis' bill for lodgings and accept an additional \$20 in cash in full satisfaction for his lodgings costs. Mr. Ennis states that he has provided the Internal Revenue Service with a signed receipt

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from his sister showing that she has received \$102 for his lodgings. The agency denied Mr. Ennis' claim for reimbursement because its regulations do not provide for comparative cost in temporary quarters to determine entitlement to the temporary quarters subsistence allowance. Our Claims Division disallowed the claim for the same reason as the agency. Mr. Ennis states that he actually paid his sister \$102.46 and, therefore, believes that he is entitled to the allowance in that amount.

Part 5 of chapter 2, Federal Travel Regulations (FPMR 101-7) (May 1973), authorizes the payment of subsistence expenses of an employee and his immediate family while occupying temporary quarters in connection with a transfer of official duty station. Reimbursement under paragraph 2-5.4a, Federal Travel Regulations, is allowed for actual subsistence expenses incurred provided they are incident to occupancy of temporary quarters and are reasonable as to amount.

Concerning the amount allowable for actual expenses of temporary quarters we have held that it is the responsibility of the employing agency, in the first instance, to insure that such costs are reasonable in light of the particular circumstances of each individual case. Matter of Lyle S. Miller, et al., 52 Comp. Gen. 78 (1972). Concerning standards by which the reasonableness of amounts claimed might be measured we stated in Miller, supra, as follows:

"We point out that in the past we have allowed reimbursement for charges for temporary quarters and subsistence supplied by relatives where the charges have appeared reasonable; that is, where they have been considerably less than motel or restaurant charges. It does not seem reasonable or necessary to us for employees to agree to pay relatives the same amounts they would have to pay for lodging in motels or meals in restaurants or to base such payments to relatives upon maximum amounts which are reimbursable under the regulations. Of course, what is reasonable depends on the circumstances of each case. The number of individuals involved, whether the relative had to hire extra help to provide lodging and meals, the extra work performed by the relative and possibly other factors would be for consideration. In the claims here involved as well as similar

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claims we believe the employees should be required to support their claims by furnishing such information in order to permit determinations of reasonableness." (Emphasis added.)

In the instant case Mr. Ennis has furnished the amount paid to his sister. However, he has not furnished information concerning the basis for payment. There is no information whether Mr. Ennis' sister incurred additional expenses to furnish him lodging, whether she performed extra work, etc. Accordingly, the claim may not be paid on the basis of the present record.

In view of the above the disallowance of Mr. Ennis' claim is sustained.



Deputy Comptroller General  
of the United States