

PLMT

**DECISION**



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

10,499

FILE: B-193935

DATE: June 18, 1979

MATTER OF: Robert M. Crowl - Claim for Travel Expenses  
and Temporary Quarters

- DIGEST:
1. Employee claims reimbursement for local telephone calls while occupying temporary quarters incident to permanent change of station. Charges for telephone calls or service are ordinarily included in cost of lodging and may be reimbursed. James L. Palmer, 56 Comp. Gen. 40 (1976); and 52 id. 730 (1972).
  2. Employee, who was authorized use of his automobile incident to his transfer from Honolulu to Atlanta, incurred 2 additional days of per diem in Los Angeles while awaiting delivery of automobile at port. Where delivery of automobile was not delayed due to circumstances beyond <sup>the</sup> employee's control, ~~additional per diem may not be allowed.~~ However, <sup>the</sup> employee may claim reimbursement for temporary quarters in Los Angeles if no unwarranted extension of temporary quarters allowance is involved.

This action is in response to a request for an advance decision from Judith B. Czarsty, an authorized certifying officer of the General Accounting Office (GAO), concerning the claim of Mr. Robert M. Crowl, a GAO employee, for additional travel expenses incurred incident to his permanent change of duty station from Honolulu, Hawaii, to Atlanta, Georgia.

Mr. Crowl's travel orders, as amended, authorized the employee and his family to travel by air carrier from Honolulu to Los Angeles, California, and by privately owned vehicle from Los Angeles to Atlanta, Georgia. In addition, Mr. Crowl was authorized to travel via a circuitous route to his new duty station provided he assumed any excess cost and charged excess traveltime to annual leave. Mr. Crowl's travel orders authorized reimbursement for "TLA" or temporary lodging allowance for a period not

~~005614~~

B-193935

to exceed 60 days which we interpret as authorization for reimbursement for subsistence expenses while occupying temporary quarters under 5 U.S.C. § 5724a(a)(3).

The record indicates that Mr. Crowl and his family moved into temporary quarters in Honolulu on June 15, 1978, and claimed reimbursement for temporary quarters for the period from June 15 until July 7, 1978. On July 7 Mr. Crowl and his family flew to Los Angeles and the employee claimed per diem through July 11 while awaiting delivery of his automobile at the Los Angeles port. Mr. Crowl and his family then departed for his new duty station on July 11, and he claimed 7 1/2 days per diem for constructive traveltime since they did not arrive in Atlanta until August 4, 1978. Finally, Mr. Crowl claimed reimbursement for temporary quarters in Atlanta for the period from August 4 to September 6, 1978.

The certifying officer disallowed three items on Mr. Crowl's vouchers, and Mr. Crowl has filed a reclaim voucher for these items. The items denied by the certifying officer were for local telephone calls claimed by Mr. Crowl while occupying temporary quarters in Honolulu and per diem in Los Angeles while he awaited delivery of his automobile. In addition, the certifying officer adjusted Mr. Crowl's claim for temporary quarters by denying the employee's claim on the day he flew from Honolulu to Los Angeles and adding that amount (1/4 day) to his claim for temporary quarters in Atlanta.

The authority for reimbursement of subsistence expenses while occupying temporary quarters is contained in 5 U.S.C. § 5724a(a)(3) (1976) and the implementing regulations in the Federal Travel Regulations (FTR) (FPMR 101-7), Chapter 2, Part 5. Under the provisions of FTR para. 2-5.4a employees may be reimbursed for their actual subsistence expenses including charges for meals, lodging, and other expenses. Although telephone calls or fees for telephone service are not specifically listed as reimbursable items, our decisions have recognized such charges as services ordinarily included in the cost of lodging. James L. Palmer, 56 Comp. Gen. 40 (1976); and 52 id. 730 (1972). Therefore, Mr. Crowl may be reimbursed for telephone charges incurred while occupying temporary quarters in the amount of \$4.90.

The certifying officer has also disallowed Mr. Crowl's claim for subsistence expenses while occupying temporary quarters on July 7, the day he and his family departed Honolulu for Los Angeles, on the basis that an employee may not claim reimbursement for temporary quarters and en route travel at the same time under the provisions of FTR para. 2-5.2i. The cited regulation does prohibit reimbursement for subsistence expenses which duplicates payments received under other laws or regulations, but the regulation does not preclude an employee from claiming temporary quarters and per diem on the same day so long as each claim is not for the same expenses. See B-161878, July 21, 1967. We note, however, that in his reclaim voucher, Mr. Crowl has not claimed temporary quarters on the day he departed Honolulu (July 7), so we will not further consider that item.

Finally, the certifying officer denied Mr. Crowl's claim for per diem for 2 days in Los Angeles while awaiting delivery of his automobile on the ground that additional per diem may not be paid where an employee travels by an indirect route or makes a separate trip to a port to pick up or deliver his privately owned vehicle. Mr. Crowl states that his automobile could not be picked up before July 10 and that he had the option of leaving Honolulu on Friday, July 7, and picking up his automobile on Monday, July 10, or staying in Honolulu until Monday, July 10, and picking up his automobile on Tuesday, July 11. Mr. Crowl argues that in either case he should be entitled to reimbursement and that it is less expensive for the Government for him to claim per diem in Los Angeles than to claim temporary quarters in Honolulu.

Our Office has held that where an employee's travel orders authorize use of a privately owned automobile as advantageous to the Government, the employee may be entitled to per diem while awaiting delivery of his automobile under certain circumstances. See Marvin W. Shoaf, B-181344, February 12, 1975, and B-170850, June 9, 1971, and December 31, 1970. However, these decisions involved situations where the delay in picking up the automobile was beyond the employee's control such as awaiting the opening of a customs office or awaiting delivery of an automobile where the shipment was delayed by the Government. See decisions cited above.

B-193935

In the present case, it appears that Mr. Crowl knew his automobile would be available for delivery in Los Angeles on July 10, and there is no indication that delivery of the automobile was delayed due to circumstances beyond the employee's control. Therefore, we find no basis upon which to allow Mr. Crowl per diem in Los Angeles due to his premature departure from Honolulu. On the other hand, since Mr. Crowl has claimed reimbursement for temporary quarters at his old and new duty stations, we would not object to his claiming reimbursement for temporary quarters in Los Angeles while awaiting delivery of his automobile if no unwarranted extension of the period of temporary quarters allowance is involved. See for example, B-178790, August 1, 1973.

Accordingly, action should be taken on Mr. Crowl's voucher consistent with the above discussion.

Acting

  
Comptroller General  
of the United States