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DECISION



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

FILE: B-198357

DATE: March 12, 1981

MATTER OF: Nancy D. Doll - Claim for Travel Expenses - Temporary Quarters

DIGEST: Transferred employee traveled to Juneau, Alaska, by Alaska State Ferry. She occupied temporary quarters beginning at 12:45 a.m. on day of arrival at new permanent duty station and incurred 2 lodging expenses for the same calendar day. She was paid en route travel per diem through the first quarter of day of arrival and temporary quarters expenses beginning with second quarter at 6:00 a.m. on day of arrival in accordance with the Federal Travel Regulations (FTR). Employee's request for reimbursement for first night's lodging in addition to temporary quarters and per diem is denied. Her maximum daily temporary quarters reimbursement was \$45 under FTR para. 2-5.4c. Therefore, since employee was reimbursed the \$45 maximum allowable for calendar day in question, no authority exists for additional reimbursement.

This action is in response to a request for an advance decision from Mr. H. Larry Jordan, an authorized certifying officer of the Department of Agriculture, reference AC-4, HLJ, concerning the claim of Ms. Nancy D. Doll, a Forest Service employee.

We are asked to determine if an employee can be reimbursed her out-of-pocket expenses for first night's lodging not covered by either per diem or temporary quarters reimbursement. The claim is denied since no authority exists for additional reimbursement.

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Ms. Doll was transferred from Greenfield, Wisconsin, to Juneau, Alaska, by travel authorization dated July 20, 1979, and she was authorized reimbursement for certain relocation expenses, including per diem for en route travel and temporary quarters expenses. She traveled from Wisconsin to Seattle, Washington, by automobile and boarded the Alaska State Ferry on August 24, 1979, arriving in Juneau, Alaska, at 12:30 a.m. on August 27.

Ms. Doll claimed reimbursement for temporary quarters in Juneau, Alaska, for a 9-day period, August 26, through September 3, 1979. She claimed reimbursement for the night of August 26, 1979, because she was charged a night's lodging by the motel, even though she did not arrive there until 12:45 a.m. on August 27, 1979. It should be noted that it is customary for commercial lodging operators to charge for a full night's lodging under the circumstances reported. In effect, Ms. Doll is claiming that her temporary quarters period began with the night's lodging charges for August 26th even though she did not physically begin occupancy until the first quarter on August 27th.

In disallowing Ms. Doll's claim for the additional expense of her first night's lodging expense, the administrative office referred to the Federal Travel Regulations (FTR) (FPMR 101-7), para. 2-5.2g which provides:

"Effect of partial days. In determining the eligibility period for temporary quarters, subsistence expense reimbursement and in computing maximum reimbursement when occupancy of such quarters for reimbursement purposes occurs in the same day that en route travel per diem terminates, the period shall be computed beginning with the calendar day quarter after the last calendar day quarter for which

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travel per diem described in 2-2.1 and 2-2.2 is paid, except that when travel is 24 hours or less the period shall begin with the calendar day quarter during which travel per diem terminates. In all other cases, the period shall be computed from the beginning of the calendar day quarter for which temporary quarters subsistence reimbursement is claimed, provided that temporary quarters are occupied in that calendar day. The temporary quarters period shall be continued for the day during which occupancy of permanent quarters begins." (Emphasis added.)

The administrative office pointed out that since travel was for a period in excess of 24 hours, the employee would be considered in a per diem status until 6:00 a.m. on August 27, 1979, and therefore temporary quarters subsistence reimbursement could not commence until 6:01 a.m., August 27, 1979. We believe that this is a correct application of FTR para. 2-5.2g quoted above.

The certifying officer has questioned whether Ms. Doll's claim may be paid for temporary quarters expenses for August 26, 1979, the night during which she arrived in Juneau, 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 duplicate payments received under other laws or regulations. However, 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. In our decisions B-161348, May 31, 1967, and B-161878, July 21, 1967, the question for our consideration was whether reimbursement of temporary quarters expenses was precluded

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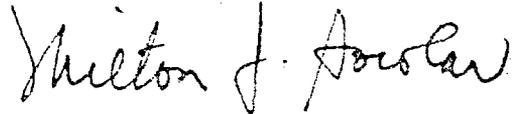
by the payment of per diem in lieu of subsistence for that portion of the day during which the employee was traveling to the new duty station. We determined that an employee is eligible for reimbursement of expenses in temporary quarters from the time he ceases to receive per diem for travel through the full day on which he occupies his permanent quarters.

An employee is entitled to reimbursement for the actual subsistence expenses which he incurs, provided that these expenses are incident to the occupancy of temporary quarters and are reasonable as to amount. FTR para. 2-5.4a. In addition, the maximum amount which may be reimbursed for temporary quarters shall be the lesser of either the actual amount of allowable expense incurred or the amount computed by a formula based on a percentage of the daily per diem rate for the locality in which temporary quarters are located. FTR para. 2-5.4c. Under the facts of record, the formula prescribed by FTR para. 2-5.4c yields a maximum daily rate of \$45. Since Ms. Doll's motel expenditures for the early morning of August 27, 1979, were necessary and reasonable, they are reimbursable to the extent that they do not exceed the daily maximum of \$45 when combined with any other reasonable expenditures claimed for August 27, 1979. Since the record indicates that Ms. Doll already has been reimbursed \$45 for the date in question, the determination that Ms. Doll's motel expenditures for the early morning of August 27th are reimbursable does not, however, translate into any additional reimbursement to her. Therefore, it is the maximum computation prescribed by FTR para. 2-5.4c which precludes reimbursement for the additional expenses for which Ms. Doll requests reimbursement, and not the prohibition against duplication contained in FTR para. 2-5.2i. Further, the expenses for the night of August 26th (early morning August 27th) may not be reimbursed as temporary quarters subsistence for August 26, 1979, because FTR para. 2-5.2g provides that temporary quarters eligibility cannot begin until after the last calendar day quarter for which travel per diem is paid which in this case is August 27th.

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The approving officer has stated that this problem of the first night's lodging expense is an ongoing one for employees arriving in Alaska via ferry from the conterminous United States. The arrival of employees cannot be scheduled during working hours due to infrequent and irregular ferry schedules. The approving officer states that because of ferry schedules many employees have to arrive between the hours of 6 p.m. and 6 a.m., which precludes payment of the first night's lodging as temporary quarters. The problem is compounded because the per diem rate for the ferry is only \$9.00. We recognize the inequity described by the approving officer and dramatized by the facts of this case. However, we are without authority to provide a remedy.

Accordingly, the reclaim voucher may not be certified for payment.



Acting Comptroller General
of the United States