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DECISION

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

FILE: B-207464 **DATE:** November 17, 1982

MATTER OF: Laima A. Skuja

DIGEST: Employee transferred to new duty station and occupied a rented house which was unfurnished for several weeks until her furniture arrived. Fact that the employee attempted to find other quarters is too indefinite to support the conclusion that the quarters were temporary. Employee's contention that agency erred in not informing her that she was eligible for temporary quarters allowance before transfer and had she known of her eligibility she would have stayed in a motel until her furniture arrived does not provide a basis to pay her temporary quarters allowance for a period she occupied her permanent residence.

The authorized certifying officer with the Indian Health Service, Department of Health and Human Services, Billings, Montana, requested an advance decision on the propriety of reimbursing Ms. Laima A. Skuja for temporary quarters and subsistence expenses. For the reasons stated herein, we find that the voucher may not be certified for payment.

Ms. Skuja, an employee of the Veterans Administration in Baltimore, Maryland, transferred to a position with the Public Health Service in Lander, Wyoming, in September 1981. Ms. Skuja was not informed that she was eligible for temporary quarters and subsistence expenses, and her travel order, issued September 17, 1981, did not authorize them. Consequently, Ms. Skuja arranged to rent an unfurnished house at her new duty station prior to her arrival there and occupied that residence initially without furnishings until her household goods arrived. On December 16, 1981, her travel order was amended to allow up to 30 days of temporary quarters and subsistence expenses and to correct her mileage allowance. However, her subsequent claim in the amount of $1,354 for temporary quarters and subsistence expenses was disallowed on the basis that the quarters which she occupied upon arrival at her new duty station were permanent. Hence she was not eligible to receive a temporary quarters and subsistence allowance under the Federal Travel Regulations (FPMR 101-7, May 1973).

Ms. Skuja has objected to this determination, and the certifying officer requests our decision on the matter. Ms. Skuja states that she intended to occupy the house on a temporary basis, that management

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erred in not authorizing temporary quarters originally or informing her of pertinent information for securing the same, and that she was disadvantaged by not having advance funds for temporary quarters at the time of her transfer. In elaborating on these matters Ms. Skuja states that she took the house initially on a 30-day lease and occupied it at great inconvenience since it was unfurnished. This was done because she was unaware she could have been authorized funds for a motel. Since the house was cheaper than a motel and she had limited funds, the failure of her agency to authorize a temporary quarters allowance or to inform her of applicable regulations regarding her entitlement to a temporary quarters allowance caused her to live in the unfurnished house rather than a motel. Whereas, if she had known of her entitlement, she would not have lived in an unfurnished house. Additionally, she indicates that she did not intend to remain in the house indefinitely because it was unsatisfactory, and she contacted a real estate agent within a few days after arriving in Wyoming. She further states that she was forced to pay her own expenses for 30 days due to someone else's error in not advising her of her eligibility for the allowance. For these reasons Ms. Skuja believes her agency unfairly denied her claim for a temporary quarters and subsistence allowance.

Reimbursement of relocation expenses for Federal employees is authorized by 5 U.S.C. 5724a and is governed by the provisions of the Federal Travel Regulations -- Part 5, Chapter 2 of which covers subsistence while occupying temporary quarters. Paragraph 2-5.2d of the regulations provides that temporary quarters should be regarded as an expedient to be used "only if or so long as necessary" until the employee can move into permanent quarters. Paragraph 2-5.2f states that "/t/he period of eligibility shall terminate when the employee or any member of his immediate family occupies permanent residence quarters* * *." Based on the facts that Ms. Skuja's household goods were moved into the residence in October 1981 and she has resided in the same residence since she arrived in Wyoming, we must conclude that Ms. Skuja occupied permanent quarters at the time she arrived at her new duty station. In a similar situation we have held that a temporary quarters allowance is not payable when the employee and his or her family occupy a permanent residence while unfurnished, awaiting the arrival of household goods, and eating their meals in restaurants. Matter of Chauncey, B-199958, April 22, 1981. Additionally, when an employee rents quarters at a new duty station which in fact became his or her permanent residence, the

fact that the employee attempted to find more suitable housing is too indefinite to support the conclusion that the quarters were temporary. Matter of Conklin, B-184565, February 27, 1976.

With regard to Ms. Skuja's contention that she was not informed of applicable regulations regarding her entitlements when transferring between agencies, as we pointed out earlier, relocation expenses for Federal employees are governed by the Federal Travel Regulations issued pursuant to statute. These regulations are applicable whether an employee transfers within an agency or department or between agencies. While Ms. Skuja may not have been familiar with the provisions regarding temporary quarters and may have stayed in a motel until her household goods arrived had she known of them, this does not provide a basis for us to allow a claim for an allowance which is not authorized for an employee occupying her permanent residence.

In light of the above, we find that Ms. Skuja is not eligible for temporary quarters and subsistence expenses. Accordingly, the voucher may not be certified for payment.

for Milton J. Socolar
Comptroller General
of the United States