

Jordan

DECISION



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

FILE: B-221978

DATE: April 2, 1986

MATTER OF: Meryl Bullard - Temporary Quarters Subsistence Expenses

DIGEST:

1. Reimbursement of temporary quarters subsistence expenses of transferred employee is limited to the 30 days authorized by the agency where the employee failed to obtain authorization to spend 90 additional days in temporary quarters and the agency did not approve the additional time by administrative action.
2. Transferred employee may not be paid temporary quarters subsistence expenses on the basis that she was erroneously advised that she did not have to request an extension until she submitted her final travel voucher for payment.

Mr. Conrad R. Hoffman, Director, Office of Budget and Finance at the Veterans Administration, requests that we settle a reclaim submitted by Ms. Meryl Bullard in the amount of \$1,667 for subsistence expenses she incurred while occupying temporary quarters incident to a transfer from the Veterans Administration Medical Center in Des Moines, Iowa, to the Veterans Administration Central Office in Washington, D.C.

Ms. Bullard requests reimbursement for the living expenses she incurred over a 120-day period beginning May 22, 1984, while "housesitting" at a residence in the Washington, D.C., area. The VA allowed the claim for subsistence expenses for 30 days, but denied the claim for the remaining 90 days because Ms. Bullard had failed to request an extension beyond the 30 days the agency authorized for temporary quarters.

Ms. Bullard claims that during that 30-day period she asked the VA's Office of Academic Affairs travel coordinator about authorization for 90 additional days stay in temporary quarters. She allegedly was informed that she did not need to request an extension until she submitted

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her final travel voucher for payment. Ms. Bullard claims that in reliance upon this information she did not request an extension and consequently lived in temporary housing for 90 days without authorization.

The provisions of section 5724a(a)(3) of title 5, United States Code, as amended in 1983, and the implementing regulations in paragraph 2-5.1 et seq. of the Federal Travel Regulations (FTR) (FPMR 101-7, Supp. 10, March 13, 1984) provide that an employee for whom a permanent change of station is authorized or approved shall be allowed subsistence expenses for up to 60 consecutive days when occupancy of temporary quarters is determined to be necessary and the new official station is located in the United States. Subsistence expenses may be allowed for an additional period of time not to exceed 60 consecutive days provided the head of the agency or his/her designee determines that there are compelling reasons for the continued occupancy of temporary quarters. The regulations clearly state in paragraph 2-5.2(a)(3) of the FTR that the specified time limits for temporary quarters are maximum periods and that temporary quarters should be used only as long as necessary until the employee can move into permanent quarters. It is within the agency's discretion to determine whether to authorize temporary quarters subsistence expenses and for what length of time. Donald F. Daly, B-209873, July 6, 1983.

Ms. Bullard's claim is denied under the longstanding principle of law applied in many of our Office's decisions that, in the absence of administrative authorization or approval, an employee may not be reimbursed temporary quarters subsistence expenses. Robert L. Bidus, B-201812, June 9, 1981; and B-167930, November 19, 1969. Ms. Bullard may only be reimbursed for 30 days temporary quarters subsistence expenses since the agency, in its discretion, authorized only 30 days stay in temporary housing and did not approve the additional 90 days by administrative action before or after the fact.

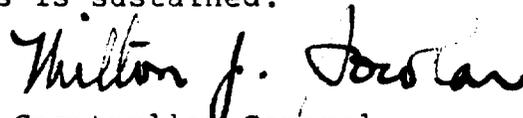
In response to Ms. Bullard's claim that she did not request an extension of her 30-day temporary quarters authorization because she relied on erroneous advice given her by an agency official, the regulations specifically provide that in order for an employee to obtain an extension to the initial period authorized the employee must request additional time. The standard for granting an

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extension is more stringent than that required for the initial period and the policy set out in paragraph 2-5.2(a)(2) of the FTR is that authorizations to extend and numbers of days extended should be held to a minimum. The policy surrounding authorizations for temporary quarters and the circumstances required to obtain extensions to the authorizations demonstrate the agency's need to be notified in advance of the reasons an employee desires an extension so that it can make an informed decision on the matter.

While it is unfortunate that Ms. Bullard was misinformed, the regulations clearly and unambiguously set forth the requirements for obtaining an extension of temporary quarters. Her failure to comply with these regulations prevents her from receiving reimbursement for her temporary quarters expenses for more than the 30 days the agency authorized.

Accordingly, the agency's decision to disallow Ms. Bullard's claim for an additional 90 days temporary quarters subsistence expenses is sustained.



Acting Comptroller General
of the United States