



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: James F. Kilfoil - Temporary Quarters Subsistence
Expenses - Deduction For Wife's Househunting Trip
File: B-227188

Date: February 12, 1988

DIGEST

Transferred employee was authorized 120 days Temporary Quarters Subsistence Expenses (TQSE) and a househunting trip. He did not take househunting trip, but his wife did. The agency paid for her househunting trip, but deducted the 7 days paid for her trip from the employee's 120 days of TQSE. Employee's reclaim for the 7 days of TQSE for himself and his children was properly denied, since these are discretionary items and the agency interpretation of the regulations and travel orders is not unreasonable.

DECISION

This responds to a request for an advance decision by the Acting Chief, Travel Section, National Finance Center, U.S. Customs Service. She seeks an opinion on the propriety of paying the reclaim of James F. Kilfoil, a Customs employee, for 7 days additional subsistence expenses while occupying temporary quarters incident to a permanent change of duty station which had been disallowed because of a househunting trip taken by the employee's wife. We conclude that although applicable regulations do not require that the claim be denied, the agency in its discretion may do so.

Mr. Kilfoil was transferred from New York, New York, to Miami, Florida. By travel order dated January 21, 1986, he was authorized temporary quarters subsistence expenses (TQSE) for himself and his immediate family for a 60-day period, which was subsequently extended to allow an additional 60 days for a total of 120 days. He was also authorized a round trip between the old and new official duty stations to seek permanent residence quarters, i.e., a househunting trip, for himself and his spouse.

041201

Mr. Kilfoil reported for duty at his new official duty station on April 24, 1986. He was not accompanied by his wife or 2 children at that time. Mrs. Kilfoil conducted a househunting trip to the Miami area from June 4 to June 11, 1986, and Mr. Kilfoil was reimbursed for her househunting trip. His wife and children thereafter joined him at his temporary quarters.

The agency interpreted the Federal Travel Regulations (FTR), FPMR 101-7 (September 1981) incorp. by ref., 41 C.F.R. § 101-7.003 (1985), para. 2-5.1 and a provision of the U.S. Customs Handbook to mean that he was only entitled to 113 days of TQSE, the amended authorization of 120 days less 7 days for his wife's househunting trip previously paid. In the agency's view, even though Mr. Kilfoil neither claimed nor was paid househunting expenses for himself, the operative fact requiring a reduction in his TQSE was that the claim of his wife for 7 days' househunting was paid. Therefore, the agency concluded that Mr. Kilfoil was entitled only to 113 days of TQSE. On reclaim, Mr. Kilfoil agrees that his wife's TQSE period was properly reduced, but he disputes the 7 days' disallowance for himself.

In support of its position, the agency relies on a provision found in the U.S. Customs Service Travel Handbook. Specifically, paragraph G, "Effect on Temporary Quarters," on page 914 provides that the number of days authorized for a househunting trip "will be deducted from an employee's temporary quarters entitlement." The agency also points out that paragraph 2-5.1 of the FTR provides that, as a general policy, the period of TQSE should be reduced or avoided if a round trip to seek permanent residence quarters has been made.

We do not believe either the Customs Service Handbook provision or the FTR provision discussed above poses an absolute bar to payment of the full 120 days of TQSE to Mr. Kilfoil. Both regulations assume that payment of househunting expenses is otherwise proper and payable. The underlying rationale for both regulations is that neither employees nor their spouses should ordinarily be reimbursed for both househunting expenses and full TQSE. Payment of the full 120 days of TQSE to Mr. Kilfoil in the circumstances of this case would not violate that policy. Mr. Kilfoil cannot be paid nor does he claim househunting expenses for himself. However, TQSE is a discretionary item and the agency's interpretation of the travel voucher, its own Handbook provisions and the Federal Travel

Regulations, is not unreasonable. Constantine Bolaris,
B-206546, April 3, 1984.

Accordingly, Mr. Kilfoil's claim for the additional period
of TQSE is denied.

for 
Comptroller General
of the United States