



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Gerald G. Shockley - Temporary Quarters
Subsistence Allowance - Miscellaneous Expenses
Allowance

File: B-230848

Date: September 6, 1988

DIGEST

A transferred employee claims temporary quarters subsistence expenses (TQSE) on behalf of his daughter who remained in temporary quarters after the employee moved into permanent quarters. His claim is denied under the provisions of the Federal Travel Regulations (FTR) governing miscellaneous expense reimbursement as well as TQSE. Miscellaneous expense reimbursement may not include expenses denied under other provisions of the FTR. The claim is denied under the regulations governing TQSE reimbursement since the employee moved into permanent quarters.

DECISION

This decision is in response to a request from an Authorized Certifying Officer, Federal Bureau of Investigation (FBI), Department of Justice. It concerns the entitlement of an FBI employee to be reimbursed 60 days of temporary quarters subsistence expenses (TQSE). We conclude that he may not be so reimbursed, for the following reasons.

BACKGROUND

Mr. Gerald G. Shockley, an employee of the FBI, was transferred from Mobile, Alabama, to Montgomery, Alabama. He was authorized TQSE incident to that transfer, not to exceed 60 days. Mr. Shockley's family comprised himself, his spouse and a college age daughter, who was living at home and commuting to a nearby college at his old duty station.

Mr. Shockley and his family vacated their old residence and began occupying temporary quarters on April 13, 1987. On April 15, their household goods were delivered to their new residence in the Montgomery area, and Mr. Shockley and his spouse discontinued temporary quarters on April 16.

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Mr. Shockley's daughter, however, remained in a rented apartment in Mobile until June 12, 1987, so that she could complete the college term in which she was enrolled.

Mr. Shockley thereafter submitted a claim for TQSE, 3 days for himself and his spouse and 60 days for his daughter, in the total amount of \$2,263.67. Based on the provisions of the Federal Travel Regulations (FTR)^{1/}, the FBI disallowed all of the period after April 15 and limited TQSE reimbursement to \$248.88.

Mr. Shockley has appealed that disallowance. He contends that if it is not payable under the FTR provisions governing TQSE, it should be payable under FTR para. 2-3.1 governing reimbursement for miscellaneous expenses. He asserts that the miscellaneous expense provisions are for the purpose of defraying various contingency costs associated with discontinuing a residence at one location and establishing a residence at another location. It is his view that the situation involving his daughter should qualify under this provision.

RULING

The payment of subsistence expenses while occupying temporary quarters is authorized under 5 U.S.C. § 5724(a)(3) (1982), and implementing regulations contained in chapter 2, part 5 of the FTR, as amended (Supp. 10, November 14, 1983). Paragraph 2-5.2f of those regulations provides in part:

"f. Computation of eligibility period and termination the time period will begin for the employee and all members of the immediate family when either the employee or any member of the immediate family begins the period of use of such quarters for which claim for reimbursement is made The period of eligibility shall terminate when the employee or any member of the immediate family occupies permanent residence quarters, or when the authorized period of time expires, whichever occurs first."

We have ruled that under the above language terminating TQSE eligibility, occupancy of permanent quarters at the employee's new duty station by any member of the employee's immediate family terminates entitlement for all other

^{1/} Supp. 1, Sept. 28, 1981, incorp. by ref., 41 C.F.R. § 101-7.003 (1987).

members of the family not in occupancy. Glenn R. Dunavan, B-188005, May 19, 1977; Kenton L. Culbertson, B-188604, Feb. 14, 1978.

In the present case, Mr. Shockley and his spouse began occupancy of permanent quarters at his new duty station on April 16. Under the applicable provisions of the FTR, all entitlement to TQSE ended at that point.

As to Mr. Shockley's asserted entitlement under part 3 of chapter 2, FTR, the expenses claimed may not be reimbursed under those provisions either. Those provisions are included in the FTR in recognition that there exist a number of contingent expenses associated with relocation which are appropriately reimbursable and are not specifically covered in other parts of the FTR. Paragraph 2-3.1b lists those types of expenses. However, paragraph 2-3.1c provides in part.

"c. Types of costs not covered. This allowance shall not be used to reimburse the employee for . . . costs or expenses that the employee incurred but which are disallowed elsewhere in these regulations Examples of these types of costs which are not reimbursable from this allowance are as follows:

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"(11) Subsistence . . . expenses in excess of the amounts reimbursed as per diem or other allowances under these regulations"

Those "other allowances" for subsistence referred to are the provisions governing TQSE. Therefore, any entitlement an employee has to TQSE is strictly governed by chapter 2, part 5 of the FTR and no other. Cf. Joseph F. Kump, B-219546, Nov. 29, 1985.

Accordingly, we sustain the agency action disallowing TQSE for Mr. Shockley's daughter for the 57 days after he and his spouse occupied permanent quarters.

for 
Comptroller General
of the United States