

**Decision**

149603

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**Matter of:** Anders E. Flodin  
**File:** B-217666.2  
**Date:** April 7, 1992

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**DIGEST**

1. A transferred employee who rented temporary quarters on a monthly basis should have the total monthly rent prorated to include all days which are counted as part of the temporary quarters period, including days away on personal business since they are part of the consecutive days of occupancy under 41 C.F.R. § 302-5.2(a) (1991). The days that the employee performed temporary duty away from his new duty station interrupted the temporary quarters period and are not to be counted for purposes of computing daily lodging cost.

2. A courier fee paid to the closing attorney in connection with a real estate transaction may not be reimbursed unless the courier service was required by the lender... However, copying costs paid to the closing attorney may be reimbursed if those costs were related to recording the property transfer and are customarily paid by the purchaser in the locality.

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**DECISION**

This decision responds to a request from the Internal Revenue Service, Department of the Treasury,<sup>1</sup> concerning the entitlement of Mr. Anders E. Flodin to be reimbursed additional temporary quarters subsistence expenses and several real estate transaction expenses which were disallowed by the agency.

Mr. Flodin was transferred from New Orleans, Louisiana, to Arlington, Virginia, and reported for duty on May 31, 1990. He performed unaccompanied travel and began his initial 60 days of temporary quarters occupancy on that date. Subsequently, he was authorized an additional 60-day period of temporary quarters. The total period of temporary

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<sup>1</sup>Mr. Steve Goldberg, Chief, Office of Travel Management and Regulations.

quarters occupancy was from May 31 through October 7, 1990. During that period he was on official business away from his new permanent duty station for 10 days (June 27-29; July 19; and September 1-6). He was also away on personal business a total of 7 days (June 30-July 3, and October 5-7). In addition to the cost of lodging and incidental expenses, he claimed furniture rental for his leased apartment on a monthly basis beginning June 1, 1990.

The question raised involves the proper method of calculating the daily cost of lodging and furniture rental for periods of temporary quarters occupancy when the employee is away from his new station. The agency takes the position that all days, other than days an employee is away from temporary quarters on official business, are to be included in that calculation. Mr. Flodin argues that the only fair way to calculate the daily rate is to divide the monthly costs by the number of nights a person actually stayed in those quarters. Thus, in addition to days away for official business, he would also exclude days away for personal reasons.

Under the provision of section 302-5.2(a) of the Federal Travel Regulation (FTR)<sup>2</sup> once temporary quarters occupancy is begun it shall be for consecutive days. Absences from temporary quarters for vacation or other personal reasons do not qualify as an interruption of the consecutive days requirement so as to permit an extension of the temporary quarters occupancy period. Thus, those days are to be included as part of the temporary quarters period for all purposes.

In decision Robert E. Ackerman, B-223102, Sept. 25, 1987, we held that the daily cost of temporary quarters which are rented monthly should be prorated over the days of the month for which subsistence expenses are payable. Any days during that period the employee was away from those quarters performing temporary duty are to be excluded from that calculation.

Since the temporary quarters period continues to run when an employee is away for personal reasons, we believe those days must be counted for proration purposes. Applying the calculation principle in Ackerman, supra to Mr. Flodin's case, his monthly lodging cost during the first 30 days began on May 31, 1990, and extended through June 29, 1990. However, since the last 3 days of that period were days of temporary duty away from those quarters and are to be excluded, the daily rate should be obtained by dividing the monthly

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<sup>2</sup>41 C.F.R. § 302-5.2(a) (1991).

lodging costs by the 27 days of temporary quarters occupancy during that period.

The second 30-day period began on June 30, 1990, and extended through July 29. During that period Mr. Flodin was away on personal business from June 30 until the evening of July 4, and on temporary duty travel on July 19. Therefore, for the purpose of establishing daily lodging cost, the only day to be excluded would be July 19. The days Mr. Flodin was away for personal reasons are to be included. Thus, the daily lodging rate during that period would be the monthly cost divided by 29 days of temporary quarters occupancy. The remaining periods of temporary quarters occupancy should be similarly calculated.

The same computation method should be used to establish the daily rate for the furniture rented by Mr. Flodin. However, the monthly furniture rental began on June 1, 1990, 1 day after he began temporary quarters occupancy. Therefore, the daily rate for furniture rental should be separately computed and then combined with other lodging expenses to obtain a total daily lodging cost.

The disallowed real estate expense items are a courier fee (\$60) and copying costs (\$39.50) paid by the employee to the closing attorney. In decision James A. Schampers, 69 Comp. Gen. 573 (1990), we held that a courier fee may not be reimbursed unless that service was required by the lender. Accordingly, if courier service was merely used as a matter of convenience by the parties concerned, the costs may not be reimbursed. Mr. Flodin has the burden of proving that the service was required by the lender.

The agency submission states that the copying costs were paid to the closing attorney as a "pass through from Fairfax County, VA for costs associated with recording the property." Under FTR § 302-6.2(c) the cost of preparing conveyances and other instruments and related recording fees are reimbursable if customarily paid by the purchaser of a residence at the new station. Thus, if the copying costs were related to recording the property transfer and such costs are customarily paid by the purchaser in Fairfax County, Virginia, they may be reimbursed.

*JFH*  
for *Seymour S. Hinchman*  
James F. Hinchman  
General Counsel