



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Colonel Stephen H. Strom, USA--Claim for Reimbursement
of Temporary Lodging Expenses

File: B-259503

Date: May 25, 1995

DIGEST

The need to ship higher priority air cargo delayed the shipment of the household goods of a member. Despite the delay he may not be reimbursed for more than the 4 days of Temporary Lodging Expense allowed by statute.

DECISION

This is in response to a request for an advance decision regarding reimbursement of Colonel Stephen H. Strom, USA, for expenses he incurred in the course of a Permanent Change of Station (PCS).¹ The claim is denied.

The record indicates that Colonel Strom accepted a fellowship in 1990 at Harvard University in Cambridge, Massachusetts. His household goods were designated to be moved by air from Hanau, Germany, to Dover Air Force Base, Delaware, by government arrangement, en route to Massachusetts. However, because other air cargo took priority, the shipment of his household goods was delayed for 60 days. Colonel Strom states that because of that delay he was unable to occupy the house he had rented. Until the household goods arrived, he and his family lived with relatives, but incurred other expenses, including meals. The Army calculated Colonel Strom's Temporary Lodging Expense (TLE) for meals as \$101.67 per day and paid him that amount for the maximum of 4 days allowable under the *Joint Federal Travel Regulations (JFTR)*, to cover the period from July 16-19, 1990. Colonel Strom claims \$3,456.78 of TLE for an additional 34 days for the period from July 20 through August 23, 1990. He calls our attention to 1 JFTR para. U5109 and U4540 and points out that if the delay in the shipment of his

¹The Per Diem, Travel and Transportation Allowance Committee has assigned PDTATAC Control Number 94-02 to the request.

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household goods had been at the hands of a private carrier he could have claimed reimbursement from the carrier.

When a member is ordered to make a PCS from any duty station to a duty station in the United States, 37 U.S.C. § 404a provides for payment of not more than 4 days of actual subsistence expenses incurred by the member and his dependents. The statute is implemented in 1 JFTR para. U5700-U5710.

Our decision in Technical Sergeant James W. Westgate, USAF, B-248293, Sept. 10, 1992, concerns a member whose PCS was put on administrative hold so that he could testify at a court-martial proceeding. He and his dependents spent 13 days in a temporary lodging facility and claimed TLE. Under the statute the member was entitled to TLE for only 2 days. We found no exceptions which would allow payment for more than the prescribed number of days.

The statute and the JFTR clearly set a limit of 4 days for payment of TLE to a member in Colonel Strom's situation. In Colonel Strom's situation as well as in B-248293, supra, expenses were incurred during a PCS for more days than the maximum allowed under the statute. While the circumstances leading to the delay are different, the principle involved is the same; we are aware of no exception to the law or regulations which would allow payment to Colonel Strom for more than 4 days.

The provisions of JFTR to which Colonel Strom calls our attention, 1 JFTR para. U5109 and U4540, do not apply to his situation. These paragraphs allow the payment of minor travel expenses only. The use of these paragraphs as a basis for the payment of additional days of TLE would thwart the clear intent of Congress to limit the payment of TLE to a particular number of days. Moreover, if Colonel Strom might have been able to obtain reimbursement under different circumstances, that possibility does not provide a basis for payment here.

Accordingly, the claim is denied.

/s/ Seymour Efros
for Robert P. Murphy
General Counsel