

**DECISION**

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

FILE: **B-186436**  
MATTER OF:

DATE:

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SEP 9 1976

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**DIGEST:**

**Arthur C. Herrington - Reimbursement of Costs of Apartment for use in connection with intermittent consulting duties.**

1. Consultant who has home in Massachusetts and who maintains apartment in Washington, D.C., area for use in connection with intermittent consulting duties is entitled to reimbursement under 5 U.S.C. 5703 (Supp. V, 1975), for travel and subsistence expenses. Apartment is not considered consultant's regular place of business.
2. Consultant who maintains apartment in Washington, D.C., area for use in connection with intermittent consulting duties may include one-thirtieth of monthly rent, furniture costs, telephone, insurance, and cleaning costs for purpose of determining his daily actual subsistence expense entitlement. Telephone installation is not allowable. See cited decisions.

Mr. Phillip D. Larsen of the Office of Management and Budget by letter of April 26, 1976, requested our views concerning the subsistence expense entitlement of Arthur C. Herrington, a consultant of the Office of Management and Budget who maintains an apartment in the Washington, D.C., metropolitan area.

Mr. Herrington resides in Cohasset, Massachusetts. He travels to Washington periodically, as his duties require. The apartment maintained by the consultant is for his use while working in Washington and was rented prior to employment by the Office of Management and Budget. Incident to his intermittent services for the Office, he was issued travel orders authorizing actual subsistence expenses not to exceed \$42 per day.

We are specifically asked the following questions:

1. Is a consultant entitled to subsistence expenses under 5 U.S.C. 5703 if he maintains an apartment for business use in the metropolitan area where his service to the Government is rendered?

2. If the first question is answered in the affirmative, is the cost of the apartment computed on the basis of the monthly rent or its actual use?
3. If the consultant is allowed reimbursement for the use of the apartment, may items such as depreciation of furniture, insurance, cleaning, and telephone be reimbursed in addition to the basic rent?

With regard to the first question, 5 U.S.C. 5703 (Supp. V, 1975) permits payment of a consultant's travel and transportation expenses "while away from his home or regular place of business and at the place of employment or service." The record indicates that the consultant maintains an apartment in the Washington area solely for business purposes. Also, the consultant's home is in Massachusetts, which is several hundred miles distant from the Washington area, and there is nothing in the record to indicate that he uses the apartment except when he is engaged in intermittent consultant activities. Under such circumstances, we do not view the apartment as the consultant's regular place of business. Accordingly, question one is answered in the affirmative.

With regard to questions 2 and 3, we have held that in situations involving long-term rental arrangements made in connection with recurring but intermittent visits to a single location over an extended period of time that one-thirtieth of the monthly rent may be included in determining the actual subsistence expense entitlement. See B-181294, March 16, 1976; B-185467, May 3, 1976. In addition, the subsistence entitlement may also include other expenses which are ordinarily included in the price of a hotel room, such as reasonable depreciation of furniture, telephone charges (excluding installation), insurance, and cleaning. See 52 Comp. Gen. 730 (1973). Questions 2 and 3 are answered accordingly.

The vouchers are returned herewith and may be certified for payment in accordance with the above.

R.F. KELLER

Acting

Comptroller General  
of the United States