

DOCUMENT RESUME

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[Claim for Temporary Quarters Allowance]. B-188650. October 18, 1977. 2 pp.

Decision re: Richard Bockover; by Robert P. Keller, Acting Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.
Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Administrative Office of the United States Courts.

Authority: 5 U.S.C. 5724a(a)(3). F.T.R. (FPMR 101-7), para. 2-5.2. F.T.R. (FPMR 101-7), para. 2-1.5a(1)(a). F.T.R. (FPMR 101-7), para. 2-6.2h.

John R. Breslin, an Authorized Certifying Officer of the Administrative Office of the U.S. Courts, requested an advance decision with regard to the claim of an employee for temporary quarters allowance in connection with a change of official duty station. The employee, upon learning of his impending transfer, took a short-term lease rather than a 12-month lease on a new apartment for the 3 months prior to his transfer. The claim for temporary quarters allowance at the old duty station was denied since the employee did not vacate the quarters in which he was residing at the time the transfer was authorized. (Author/SC)

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DECISION



W. J. P. Pers

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

FILE: B-188650

DATE: October 18, 1977

MATTER OF: Richard Bockover - Claim for temporary quarters allowance

DIGEST: Employee, upon learning of impending transfer, took short-term lease rather than 12-month lease on new apartment for 3 months prior to transfer. Claim for temporary quarters allowance at old duty station is denied since employee did not vacate quarters in which he was residing at time transfer was authorized as required under Federal Travel Regulations.

This action is in response to a request for an advance decision from John R. Breslin, an authorized certifying officer of the Administrative Office of the United States Courts, concerning the claim of Mr. Richard Bockover, a United States Probation Officer, for temporary quarters allowance in connection with a change of official duty stations.

The record indicates that on June 17, 1976, Mr. Bockover was authorized reimbursement for relocation expenses incurred in his transfer from Chicago, Illinois, to Freeport, Illinois, effective July 6, 1976. It appears, however, that Mr. Bockover moved his residence on March 27, 1976, from Downers Grove, Illinois, to Woodridge, Illinois. The administrative report states that upon his learning of the impending transfer in late March, Mr. Bockover had attempted to extend his lease at the residence at Downers Grove, but, failing that, he entered into a 3-month lease at the residence in Woodridge for which he paid a \$25 premium per month. Mr. Bockover moved again on July 1, 1976, to his new duty station, and he has claimed temporary quarters allowance for the 30-day period preceding his move from Woodridge to his new duty station. His claim was denied administratively since, in the view of the certifying officer, Mr. Bockover had intended to move to the Woodridge residence prior to notification of the transfer.

Upon filing a reclaim voucher, Mr. Bockover states that he took a short-term lease at the Woodridge residence " * * * to save the Government from paying nine months rent * * *", and he

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acknowledges that the \$25 premium for the short-term lease does not qualify as an expense in the settlement of an unexpired lease under the Federal Travel Regulations.

The authority for reimbursement of subsistence expenses while occupying temporary quarters is contained in 5 U.S.C. 5724a(a)(3) (1970), and the implementing regulations, the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973). The pertinent provisions of para. 2-5.2 of the FTR provide as follows:

" c. What constitutes temporary quarters.

The term 'temporary quarters' refers to any lodging obtained from private or commercial sources to be occupied temporarily by the employee or members of his immediate family who have vacated the residence quarters in which they were residing at the time the transfer was authorized.

" e. Time to begin occupancy. The use of temporary quarters for subsistence expense purposes under these provisions may begin as soon as the employee's transfer has been authorized, and the written agreement required in 2-1.5a(1) has been signed. * * * "

It is clear from the above-cited provisions of the FTR that Mr. Bockover is not eligible for temporary quarters allowance while residing in Woodridge since the record indicates that his transfer was not authorized until May 27, 1976, and he did not sign the service agreement required under FTR para. 2-1.5a(1)(a) until July 6, 1976. In addition we note that Mr. Bockover did not vacate his permanent quarters at his old duty station in which he was residing at the time the transfer was authorized. Mr. Bockover has, in essence, incurred an additional expense of \$75 (\$25 premium for 3 months) in an effort to reduce the Government's possible liability for lease termination expenses. See FTR para. 2-6.2h. Unfortunately, there is no authority to reimburse Mr. Bockover for this additional expense.

Accordingly, the voucher may not be certified for payment.

RJK:11m
Acting Comptroller General
of the United States