

PL II

DECISION



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

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FILE: B-192469

DATE: April 4, 1979

MATTER OF: Thomas L. Briggs ^[CLAIM FOR] Temporary quarters subsistence expenses - Cancelled transfer

INCIDENT TO

DIGEST: Employee seeks reimbursement for 197 days per diem in connection with transfer which was later cancelled. Employee may be reimbursed for expenses which would have been allowed had transfer been effected. While duty station is not changed, employee is treated as if transfer were completed including retransfer to former duty station. Reimbursement of temporary quarter subsistence expenses may be made on the basis of detailed estimates when based upon actual expenditures and are reasonable in amount. Miscellaneous expense allowance incident to getting ready for the transfer may be paid in accordance with Part 3, FTR.

This action is in response to a letter dated July 20, 1978, with enclosures, from Mr. Edwin J. Fost, an authorized certifying officer of the Drug Enforcement Administration (DEA), United States Department of Justice, requesting an advance decision concerning the claim of Mr. Thomas L. Briggs, for subsistence expenses incurred in connection with a transfer which was cancelled. We have been advised informally that Mr. Briggs transferred to another agency during December 1976.

The record shows that permanent change-of-station orders were issued on February 17, 1976, transferring Mr. Briggs from Washington, D.C., to Bangkok, Thailand. Departure was scheduled for April 4, 1976, after issuance of orders which indicated departure on or about March 28, 1976. Mr. Briggs states that he had pending an application for transfer to a former place of employment prior to the issuance of these transfer orders. After receipt of his transfer orders, he packed his household and personal effects for air shipment to Bangkok or for placement in permanent storage. He also delivered his automobile to Baltimore for shipment by water transportation. When his home was vacant of personal effects and household goods on March 25, 1976, he moved his family into the home of his wife's parents. He was notified on April 2, 1976, that his transfer was being

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delayed pending the resolution of his outstanding personnel matters--presumably his transfer to another Government agency. On June 7, 1976, Mr. Briggs moved his family back into his unfurnished residence, which apparently was vacant for the period of his absence. His permanent change-of-station orders were cancelled on October 18, 1976.

Mr. Briggs has claimed subsistence expenses at a per diem rate of \$12 per day for himself and \$6 per day each for his wife, 4-year-old son, and 2-year-old daughter (total \$30/day) for a total of 197 days ending on October 18, 1976. He contends that he had expected his personnel problems to be resolved by April 23, 1976, that the delay was beyond his control and not for his personal convenience, that the Government was saved the expense of moving him to Bangkok for a short period of time prior to returning him for transfer, and that by assignment to duty in Bangkok he should have been in a temporary duty status at DEA pending instructions to complete his transfer.

Where a transfer has been cancelled and certain relocation expenses would have been reimbursable had the transfer been effected, an employee may be reimbursed for expenses incurred in anticipation of the transfer and prior to its cancellation. B-177439, February 1, 1973; B-187405, March 22, 1977; and B-189953, November 23, 1977. If the employee's duty station has not changed as a result of the cancelled transfer, the employee is considered for reimbursement purposes as if the transfer had been completed and he had been retransferred to his former duty station. B-187405, supra, and decisions cited therein. Therefore, Mr. Briggs may be reimbursed for expenses incurred by him to the extent authorized under the Federal Travel Regulations (FTR) (FMPR 101-7, May 1973 as amended).

Paragraph 2-5.2 of the FTR states in pertinent part:

"a. * * * Subsistence expenses of the employee for whom a permanent change of station is authorized or approved and each member of his immediate family * * * shall be allowed for a period of not more than 30 consecutive days while the employee and family necessarily occupy temporary quarters * * *.

* * * * *

"c. * * * 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." (Emphasis added.)

Paragraph 2-5.4a of the FTR states in pertinent part:

"* * * Reimbursement shall be only for actual subsistence expenses incurred provided these are incident to occupancy of temporary quarters and are reasonable as to amount. * * *"

Concerning the amount of actual subsistence expenses incident to occupancy of temporary quarters in connection with the anticipated move to Bangkok, Mr. Briggs may be reimbursed such actual expenses for 30 days beginning March 25, 1976.

Since Mr. Briggs' duty station did not change at any time prior to cancellation of his orders on October 18, 1976, his transfer is considered completed on that date.


Concerning the amount allowable for actual subsistence expenses while occupying temporary quarters furnished by relatives, we have held that it is the responsibility of the employing agency to insure that such costs are reasonable in light of the particular circumstances of each individual case. In the instant case, Mr. Briggs has not indicated the amount of subsistence, if any, supplied by his wife's parents, whether he paid them, or the basis of payment. Nor has he furnished information indicating the actual subsistence expenses incurred by him during the periods authorized. Our decisions have allowed reimbursement of subsistence expenses for temporary quarters on the basis of detailed estimates where these (1) are based on actual expenditures and (2) are reasonable in amount. In this case we do not regard the claim submitted as meeting this standard. 52 Comp. Gen. 78 (1972).

Miscellaneous expenses allowance incident to getting ready for the transfer may be paid in accordance with Part 3, FTR. No such allowance is payable for the constructed return since

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Mr. Briggs moved his family back to his permanent residence on June 7, 1976, while his transfer was still pending.

To the extent authorized payments have not already been allowed, Mr. Briggs' claim is for processing in accord with above discussion provided he resubmits his voucher for miscellaneous expenses and subsistence while occupying temporary quarters.


Deputy Comptroller General
of the United States