

**DECISION**

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

**618**

FILE: B-193439

DATE: October 24, 1979

MATTER OF: Dual Lodging Costs

**DIGEST:** The Joint Travel Regulations may be amended to authorize a member to receive his portion of a temporary lodging allowance during a period of temporary duty away from his new permanent station when he continues to incur his share of lodging expenses at the hotel or hotel-like accommodations where his family or baggage and personal belongings are housed at his permanent station, provided that in each case the maintenance of dual living accommodations is required by the member's military assignment, rather than as a matter of personal choice and convenience.

The issue in this case is whether the Joint Travel Regulations (1 JTR) may be revised to authorize a member of the uniformed services to receive his portion of a temporary lodging allowance during a period of temporary duty away from his new permanent station, when he continues to incur his share of lodging expenses at the hotel or hotel-like accommodations where his family or baggage and personal belongings are housed at his permanent station. For the following reasons such an amendment is authorized.

The question was presented by letter from the Acting Assistant Secretary of the Air Force (Manpower, Reserve Affairs and Installations), and was assigned Control No. 78-43 by the Per Diem, Travel and Transportation Allowance Committee.

Currently, a member with dependents ordered to a new permanent station located outside the United States may occupy temporary lodgings with those dependents while awaiting military quarters or while completing arrangements for housing on the local economy. Pursuant to 37 U.S.C. 405 (1976) and 1 JTR M4303-1, that member is entitled to a temporary lodging allowance (TLA) while occupying those temporary quarters. In certain instances shortly after arrival and while occupying temporary quarters,

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a member is ordered on temporary duty away from his new permanent station. The member receives a per diem in his own right for lodging, meals and incidentals for duty performed at the temporary duty station. 1 JTR M4205. However, he may continue to incur the same lodging costs for the temporary quarters occupied by his dependents at the new permanent station even while he is absent. He must pay his share of the lodging cost at the permanent station from personal funds because the maximum amount of TLA payable is based on the number of persons actually occupying hotel or hotel-like accommodations at the permanent station.

In other instances, a member without dependents leaves his personal belongings and baggage in the temporary quarters while performing temporary duty, simply because there is no place for them to be stored. In this case, he must pay for the temporary lodging costs at the permanent station from personal funds because the TLA is only payable if he occupies the premises.

It has been our longstanding view that a member of the uniformed services is not entitled to receive simultaneously TLA for himself and a travel per diem allowance. The reason for this is to prevent duplication of payments. In other words, a travel per diem allowance and TLA are authorized for the same general purpose of providing partial reimbursement for the more than normal expenses incurred at hotels and public restaurants. Concurrent payment of such allowances, therefore, would involve an improper and unauthorized duplication of payments. See: 47 Comp. Gen. 724 (1968); 41 id. 453 (1962); 40 id. 271 (1960).

In situations similar to the ones posed we have held that, as a general rule, where an individual in temporary duty status travels on official Government business and maintains dual living accommodations, the individual is only entitled to reimbursement in the form of per diem for lodging expenses incurred at one point only on one calendar day. See B-162641, November 27, 1967. In cases involving civilian employees an exception has been made and we have allowed reimbursement of rental for the maintenance of dual living accommodations provided that an appropriate official of the employing agency or department made a determination that the employee had no alternative but to incur duplicative costs. See: B-182600, August 13, 1975, and cases cited therein; compare Matter of [REDACTED], B-184790, December 9, 1976.

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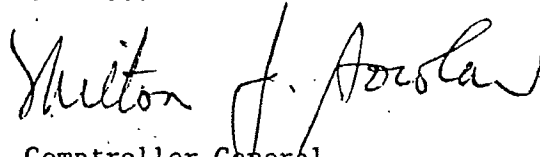
This rationale was applied in a dual lodging situation involving military personnel. In Matter of Lieutenant (junior grade) [REDACTED] B-188415, July 6, 1977, we were asked to consider whether a navy member was entitled to be reimbursed for room charges incurred in maintaining living quarters at two different locations on the same calendar day while on temporary duty status. In that case we stated that the regulations may be amended to authorize reimbursement in such situations if the costs of concurrent use of quarters at more than one temporary duty station were necessary expenses required by public business or military assignment, and are not expenses incurred by reason of personal choice and convenience.

This rationale appears applicable to the situations posed by the Assistant Secretary of the Air Force. In addition, the posed situations may be distinguished from those cases cited which preclude the payment of TLA and per diem on the same day. In the latter cases the overriding concern is with a member receiving duplicative payments. In the present situations, however, there is no such concern. Where a member with dependents is ordered on temporary duty away from his new permanent station the member cannot take those dependents with him and therefore must necessarily maintain dual living quarters. Under these circumstances the TLA, reduced by 50 percent since the member is no longer present, is paid to partially reimburse the member for the dependents' living expenses at the member's new duty station. At the same time the member is receiving a travel per diem allowance to cover his living expenses while on temporary duty. Thus, for the member to receive additional TLA for the living expenses he continues to incur at his permanent duty station and also receive a per diem to cover his expenses while on temporary duty would not amount to dual payments for essentially the same purpose. This is so since the member, by virtue of his military assignment, continues to incur different expenses for himself at both places. Using the rationale in [REDACTED] supra, the cost of these quarters would be "necessary expenses" required by the member's military assignment, and would not be nonreimbursable expenses incurred by "personal choice or convenience."

To some extent this is also true with respect to a member without dependents who must leave his personal belongings and luggage due to lack of storage space in the temporary quarters at his new permanent station while away on temporary duty. Like the member with dependents the member without dependents would not be

receiving TLA and per diem to cover the same expense. As we stated in [REDACTED], supra, the sole reason for maintaining living quarters at more than one duty station should not be for personal convenience but must be based on Government requirements related to the member's duty, such as last minute orders making it impossible or impractical for the member to move out of temporary quarters at the new duty station. In addition the necessity for retaining multiple quarters should be well documented.

Accordingly, the Joint Travel Regulations may be amended as requested by the Acting Assistant Secretary of the Air Force provided that in each case the maintenance of dual living accommodations is demonstrated to be required by virtue of the member's military assignment, rather than being permitted as a matter of personal choice and convenience.



For the Comptroller General  
of the United States