



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Wayne I. Tucker - Relocation Expenses - Temporary
Quarters Subsistence Expenses

File: B-198510.3

Date: August 23, 1989

DIGEST

1. An employee under permanent change-of-station orders interrupted occupancy of temporary quarters at his new duty station to travel to his old duty station to complete the transfer of his household goods and the relocation of his family. He stayed in his old residence for 3 days and in a motel for 2 days. Except for the actual round-trip travel en route between the new duty station and the old duty station, the employee is not entitled to per diem for purposes of completing transfer arrangements. However, since the tolling of the temporary quarters subsistence expenses (TQSE) period is interrupted only by the travel time for which the employee receives per diem, TQSE may be available to cover the days spent in the motel if the agency determines that the allowable period in this case had not expired.

2. While an employee occupies temporary quarters at his old duty station to make arrangements for the transfer of his household goods and family to his new duty station, he is not entitled to local transportation expenses.

DECISION

An authorized certifying officer of the Department of Energy^{1/} asks whether an employee's reclaim voucher for certain travel and transportation allowances incident to a permanent change of duty station may be paid. For the reasons stated below, we conclude that the claims were properly disallowed.

^{1/} Robert R. Goodfellow, Washington, D.C.

BACKGROUND

In April 1982, the Department of Energy transferred an employee, Mr. Wayne I. Tucker, from Dallas, Texas, to Albuquerque, New Mexico, where he had just completed a tour of temporary duty. On August 7, 1982, while occupying temporary quarters in Albuquerque incident to the transfer, Mr. Tucker returned to Dallas to arrange for the movement of his household goods and family to his new duty station. He stayed in his old residence with his family until August 10, when they vacated the old residence and traveled 15 miles to a motel in Dallas. While at the motel, Mr. Tucker traveled back and forth to his old residence to complete transfer arrangements. His children stayed at the motel until the evening of August 11, when they departed for Albuquerque.

Mr. Tucker and his wife departed on the morning of August 12 by private automobile for Albuquerque. They arrived in Albuquerque that day, where they occupied temporary quarters until noon on August 15.

Mr. Tucker claimed per diem for himself for the 6-day period from August 7 to 12. He claimed 2-1/4 days per diem for his family for August 10 to 12. He also claimed mileage for the local travel between the motel and his old residence. Mr. Tucker based the claims on the premise that he was on temporary duty and that his family was traveling en route from his old duty station to his new duty station from the time they departed their old residence.

The agency disallowed the claims, stating that temporary duty had not been authorized and that his family was not en route until they departed the Dallas motel. The agency believes he would be entitled to temporary quarters allowance for August 10 and 11 while the family stayed in the motel, and per diem for actual en route travel performed on August 11 and 12. Although the agency disallowed \$16.42 for lodging for August 15, the last day of temporary quarters, the agency believes that Mr. Tucker would be entitled to that same amount for lodging on August 12, the date he reoccupied temporary quarters upon his return to Albuquerque.

Mr. Tucker filed a reclaim voucher for these expenses with the agency. The agency forwarded the reclaim voucher to this agency for a decision.

OPINION

The payment of travel, transportation, and relocation expenses of transferred government employees is authorized under 5 U.S.C. §§ 5724 and 5724a (1982) as implemented by the Federal Travel Regulations (FTR).^{2/} Among the expenses authorized to be paid are per diem while en route and temporary quarters subsistence expenses (TQSE) of the employee and his immediate family for a specific period of time.

With respect to per diem, FTR, para. 2-2.2b provides that for the period of actual travel en route to the new duty station, an employee's right to reimbursement of expenses is specifically limited to an authorized per diem allowance rather than temporary quarters expenses. In this regard, en route travel is generally defined as the period beginning when the employee leaves the old station and ending when he arrives at the new station. The number of days of per diem authorized is determined by the agency based upon the usually traveled route between the old and new stations. See Robert T. Bolton, 62 Comp. Gen. 629 (1983).

With respect to temporary quarters, FTR, para. 2-5.2a, as in effect when this travel was performed, provided that TQSE may be allowed for a period of not more than 30 consecutive days. The only interruptions permitted of that consecutive day period are for travel between the old and new duty stations, official travel such as temporary duty away from the employee's new station, or a period of officially approved sick leave. See Bobby L. Cook, 63 Comp. Gen. 222 (1984). So, for example, we held in Beverly J. Nordquist, B-185338, Feb. 19, 1976, that the running of the 30-day consecutive period of the employee's occupancy of temporary quarters was not stopped during the period of her return to her old duty station to arrange her family move since the return may not be regarded as an "official necessity" under FTR, para. 2-5.2a.

We have also held that when an employee occupied temporary quarters before he began his travel, and the travel is delayed en route to his new station, the expenses incurred while travel is delayed may be reimbursed as TQSE rather than per diem. The assumption is that if the employee had proceeded directly to the new duty station, he would have incurred subsistence expenses for a like period of occupancy of temporary quarters at the new station. Robert M. Crowl, B-193935, June 18, 1979; B-161887, Aug. 14, 1967. Since

^{2/} Incorp. by ref., 41 C.F.R. § 101-7.003 (1981).

the tolling of the TQSE period is interrupted by the travel time for which the employee receives per diem, but is not interrupted for delays en route, TQSE may be available to cover those days.

In this case, there is no evidence in the record to support Mr. Tucker's contention that he was on temporary duty during the round-trip travel between Albuquerque and Dallas, nor was he specifically authorized per diem to cover that complete period of time. Mr. Tucker's circumstances are similar to a situation that occurs with some frequency. He interrupted temporary occupancy of quarters at his new duty station to return to his old duty station to complete his transfer. Such travel is viewed as being for personal reasons and not for official duty. Nordquist, supra.3/

As a result, per diem is available to Mr. Tucker and his family only for the actual travel en route from his old duty station in Dallas to Albuquerque, which began when they departed the Dallas motel and ended when they arrived in Albuquerque. The delays en route in Dallas were for personal reasons, to complete the transfer arrangements, so there is no authority to pay per diem for the period that Mr. Tucker and his family stayed at the Dallas motel. However, TQSE may be available to cover those days. It is not clear from the record when the TQSE period actually began for Mr. Tucker. If the agency determines that the period was still running during the time Mr. Tucker was in Dallas, he should receive TQSE for the days spent in the motel.

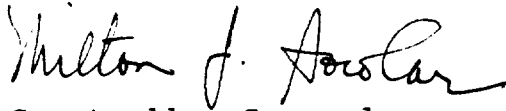
Regarding Mr. Tucker's claim for local travel expenses from the motel to his former residence, FTR, para. 2-5.4b specifically disallows expenses of local transportation incurred for any purpose during the occupancy of temporary quarters. See also Wayne E. Holt, B-189295, Aug. 16, 1977.

3/ We have held that an employee on temporary duty who received notice that his temporary duty station had been changed to become his new permanent station may be reimbursed for round-trip travel expenses from the new permanent station to the old permanent station for purposes of relocating his family to the new permanent duty station. See Dr. Tommye Cooper, B-213742, Aug. 5, 1985; Steven F. Kinsler, B-169392, Oct. 28, 1976; NOAA Ship DISCOVERER, B-167022, July 12, 1976. However, in these cases reimbursement did not include per diem for the time spent at the old station arranging the move. In this case, payment of Mr. Tucker's round-trip travel expenses while en route between his new and old duty stations is not at issue.

As a result, Mr. Tucker is not entitled to mileage for travel between the motel and his old residence.

Regarding the two lodging claims, the agency's disallowance of lodging for August 15 appears correct since Mr. Tucker did not incur lodging expenses on the last day of temporary quarters. Likewise, since Mr. Tucker returned to temporary quarters and absorbed lodging costs on August 12, reimbursement of that expense is appropriate providing the TQSE period had not expired.

Mr. Tucker's reclaim voucher should be settled in accordance with this decision.

A handwritten signature in cursive script, reading "Milton J. Fowler".

Acting Comptroller General
of the United States