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DECISION



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

BROWNE
PLM 2

20942

FILE: B-203440

DATE: February 26, 1982

MATTER OF: Gary R. Carini

DIGEST: A new employee of the Social Security Administration may be reimbursed for per diem while attending a 3-month training course away from his duty station even though he did not have a permanent residence at the time of the temporary assignment. 57 Comp. Gen. 147 (1977). The employee's decision to reside at the temporary station when his wife entered a university there and to commute 70 miles to his duty station at the conclusion of his training assignment does not preclude per diem prior to the time the temporary locale became his permanent residence.

Mr. Walter W. Pleines, Acting Director, Division of Finance, Social Security Administration, requested an advance decision regarding the propriety of certifying the vouchers of Mr. Gary R. Carini for expenses incurred during a temporary duty assignment. For the reasons stated herein we find that the vouchers may be paid, if otherwise proper.

The record shows that Mr. Carini was hired by the Social Security Administration on July 14, 1980, as a Presidential Management Intern assigned to the Denver Regional Office. Mr. Carini and his wife moved to Colorado from California and initially resided with Mrs. Carini's mother in Monument, Colorado.

By travel order dated October 8, 1980, as amended, Mr. Carini was assigned to temporary duty in Colorado Springs to attend a 3-month training course beginning October 20, 1980. These orders included reimbursement for subsistence under the lodgings plus system.

The Carinis made several attempts to purchase a house in Denver between July and September. In late September when Mr. Carini was informed that he would be on the temporary duty attending the training course in Colorado Springs, the Carinis decided to rent a house in Colorado Springs. They signed a 9-month lease (reportedly a 3-month lease

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being unavailable) on October 4, 1980, having been informed by the real estate agent that if they purchased a residence in Denver through the same agency, the lease could be broken without penalty.

In December Mrs. Carini began looking for employment in her field as a Special Education teacher. Learning that she required additional graduate work to be certified in Special Education under Colorado requirements, she contacted the Education Department at the University of Colorado, Colorado Springs, and on January 16, 1981, registered as a student for the semester beginning January 28, 1981. Ultimately the Carinis decided to remain in Colorado Springs with Mr. Carini commuting to Denver rather than Mrs. Carini commuting to class.

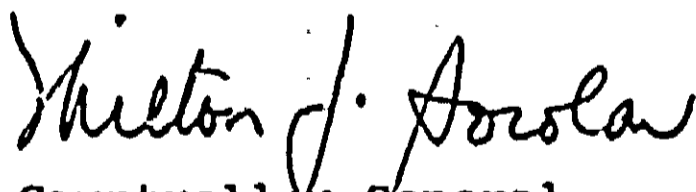
In light of the above facts the certifying officer inquires whether Mr. Carini is entitled to per diem during the training course in Colorado Springs since he did not have a permanent residence at the time the course began and his residence in Colorado Springs remained his residence after the course was completed.

The authority for the payment of per diem to Federal employees traveling on official business away from their designated post of duty is contained in 5 U.S.C. § 5702 (1976) and the implementing regulations found at Part 7, chapter 1 of the Federal Travel Regulations (FTR) (FPMR 101-7, May 1973). Generally the expenses incurred by an employee which may be properly reimbursed are those expenses which are incurred by reason of travel and in addition to the usual costs of maintaining a residence. See Sanford D. Silver, 56 Comp. Gen. 223 (1977); and Bornhoft v. United States, 137 Ct. Cl. 134 (1956). However, nothing in the Federal Travel Regulations or our decisions precludes the payment of per diem where an employee does not maintain a permanent residence during a temporary duty assignment. See Robert E. Larrabee, 57 Comp. Gen. 147 (1977); James H. Quiggle, B-192435, June 7, 1979; William B. Hendricks, B-199525, May 6, 1981. Therefore, the fact that Mr. Carini had not established a permanent residence at the time of his temporary duty assignment in Colorado Springs would not preclude the payment of per diem.

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Paragraph 1-7.6a, FTR, precludes the payment of per diem at an employee's permanent duty station or at his place of abode from which he regularly commutes to his official duty station. In addition, an employee may not receive lodging costs at a residence he maintains for dependents separate from his own residence. See Silver, supra. The facts in Mr. Carini's case do not indicate that he regularly commuted to work from Colorado Springs prior to his assignment there or that he maintained the Colorado Springs residence as a separate residence. Thus, neither of the above-quoted rules would preclude the payment of per diem to Mr. Carini during his temporary duty assignment in Colorado Springs.

While it is evident that Mr. Carini ultimately decided to remain in the residence which he rented in Colorado Springs during the training course and to commute to his official duty station from there (a distance of 70 miles), his entitlement to per diem would not terminate until the Colorado Springs residence became his permanent residence. In a similar situation we have held that an employee, who is assigned to temporary duty for training with the understanding that he will be transferred to that location upon successful completion of the training, is entitled to per diem for the period of the training prior to the effective date of the transfer. See 32 Comp. Gen. 493 (1953). The record indicates that the Carinis decided to remain in Colorado Springs on January 16, 1981, the time at which Mrs. Carini was notified she could register at the University of Colorado. Accordingly, Mr. Carini's vouchers, which are being returned, may be certified for payment through January 16, 1981.

for 
Comptroller General
of the United States