

DECISION



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

27492

FILE: B-213901

DATE: February 23, 1984

MATTER OF: Michael H. Turner

DIGEST:

A transferred employee may not be reimbursed for the temporary quarters and subsistence expenses incurred by his family on periodic visits to the new duty station while still occupying the family residence at the old duty station. The Federal Travel Regulations require that an employee's family vacate the former residence in order to be eligible for temporary quarters and subsistence expenses.

The issue in this decision is whether an employee occupying temporary quarters at a new duty station may be reimbursed for the subsistence expenses incurred by family members who, while still maintaining their former residence, visit him at the new duty station. Family members are not entitled to subsistence expenses while at the new duty station when they have not vacated the family residence at the old duty station.¹

BACKGROUND

Mr. Michael H. Turner, an employee of the General Services Administration, was transferred from Enterprise, Oregon, to Boise, Idaho, in July 1982. He was authorized 30 days temporary quarters and subsistence expenses for himself and his family. Mr. Turner moved to Boise and occupied temporary quarters for 30 days. He has been

¹ This decision results from the request of a certifying officer at the San Francisco Regional Office of the General Services Administration for an advance decision on the voucher of Mr. Michael H. Turner for \$295.50 in additional temporary quarters and subsistence expenses. The voucher which is returned may not be paid.

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reimbursed for his own temporary quarters and subsistence expenses. His wife and child remained in Oregon at their former residence until October 1982. However, they visited Mr. Turner on four separate occasions at the new duty station during the 30-day period for which he claimed reimbursement for his own occupancy of temporary quarters. Mr. Turner has now requested reimbursement of an additional \$295.50 in temporary quarters and subsistence expenses for meal costs incurred by his family while visiting at the new duty station. We have been asked to determine whether he is entitled to the reimbursement claimed.

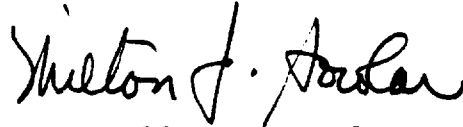
ANALYSIS

Transferred employees may be authorized temporary quarters and subsistence expenses for themselves and members of their immediate family. Chapter 2, Part 5 of the Federal Travel Regulations (FTR) (FPMR 101-7). In order to be eligible for reimbursement of temporary quarters and subsistence expenses, members of the employee's immediate family must have "vacated the residence quarters in which they were residing at the time the transfer was authorized." FTR para. 2-5.2c. There is no definition of the word "vacate" in the travel regulations. However, in our decisions we have generally considered a residence to be vacated when an employee's family ceased to occupy it for the purposes intended. Matter of Werner, B-185696, May 28, 1976, and Matter of Clemmer, B-199347, February 18, 1981. In determining whether the family has ceased to occupy residence we examine the action taken by an employee and/or his family prior to and after departure from the former residence. If those actions support an inference that the family intended to cease occupancy of the residence, we generally have authorized reimbursement. Matter of Randall, B-206169, June 16, 1982. Where evidence of intent to cease occupancy was lacking, we have not authorized payment of a temporary quarters and subsistence allowance. Thus, in Matter of Mankat, B-195866, April 2, 1980, we denied reimbursement of temporary quarters expenses for an employee's family where they returned to the old duty station after 1 week at the new duty station in order to prevent vandalism at the former residence. In that case the family returned to a residence they had left fully furnished, unsure of when it would be

sold or when they could move into a new residence. We held that those facts did not support an inference that the family intended to cease occupancy but rather created the inference that the employee had taken steps to allow his family to continue their residence, if necessary.

CONCLUSION

In the present case Mr. Turner's family continued to occupy the residence at the old duty station and visited Mr. Turner periodically at the new duty station. Under the circumstances it is clear that those visits occurred at a time when the family had not vacated its residence at the old duty station. Therefore, the meal expenses they incurred while visiting the employee at his new duty station may not be reimbursed as part of the temporary quarters and subsistence expenses allowance.

A handwritten signature in dark ink, appearing to read "Milton J. Parker". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Acting Comptroller General
of the United States