



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Brigadier General Charles J. Searock, Jr., USAF

File: B-225205

Date: September 25, 1987

DIGEST

A member of the uniformed services required by Air Force regulations to live on base who for 30 days is forced to relocate with his dependents into temporary quarters without kitchen facilities at his permanent duty station due to uninhabitability of his government quarters incurred additional expenses for meals. Since the member's evacuation was necessary for the proper administration of the facility as well as the personal safety of the member and his family, the member may be reimbursed the expenses he incurred over and above what he would have spent for food had he been allowed to remain in on-base housing.

DECISION

We are asked to decide whether Brigadier General Charles J. Searock, Jr., USAF, who at the time of this claim was Vice Commander of Tinker Air Force Base, a command position, may be reimbursed for subsistence expenses he incurred for 30 days while he and his family occupied visiting officers quarters (VOQ) due to the uninhabitability of their on-base housing.^{1/} For the reasons to follow, General Searock may be reimbursed for his food expenses to the extent that these expenses exceeded his normal monthly food expenses.

BACKGROUND

In October of 1985, shortly after General Searock and his family moved into on-base quarters at Tinker Air Force Base, his quarters were rendered uninhabitable due to unacceptably high levels of chlordane. Consequently, he and his family

^{1/}Lieutenant Colonel Jack C. Stanley, USAF, Headquarters Oklahoma City Air Logistics Center (AFLC), Tinker Air Force Base, has requested this decision.

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moved out of his quarters on October 9, 1985, and temporarily moved into VOQ while awaiting action to clear quarters and render them livable. On November 8, 1985, the General learned that although efforts had been made to make his quarters livable, the quarters were still uninhabitable. He, therefore, moved into a permanent residence off base.

The VOQ lacked any facilities for preparing meals. Therefore, during the 30 days he was in VOQ, the General and his family purchased all their meals at commercial establishments. In view of this, General Searock is seeking reimbursement of \$1,680 based on 30 days of meals at a daily rate of \$56 (\$14/day for each of the four family members). Since he received basic allowance for subsistence (BAS) of \$109.37 during this period, the General is claiming \$1,570.63, the difference between his expenses of \$1,680 and his BAS of \$109.37.

ANALYSIS

As a general rule, members of the military are not entitled to receive subsistence expenses unless they are in a travel status, traveling to a new permanent duty station or are performing temporary duty away from their permanent duty station. See 37 U.S.C. § 404. Therefore, consistent with this general rule we have held on several occasions that there is no authority to reimburse members for meal expenses while they are at their permanent duty station and not in a travel status. See B-194499, October 31, 1979; B-148084, March 23, 1962.

We have recognized that in certain limited situations there are exceptions to the general rule that members of the military may not be reimbursed for lodging and meal expenses while at their permanent duty station. In a situation very similar to General Searock's, Major Peter D. Schofield, USA, et al., B-213293, December 7, 1983, we approved payment of the commercial lodging expenses of two military officers who had to vacate their government quarters because of the high risk of explosion from a natural gas leak. As we explained, Congress regularly authorizes the appropriation of funds to be used for the operation and maintenance of the armed forces. The reimbursement from operation and maintenance funds is proper for reasonable costs necessarily incurred by service members as a result of their compliance with competent military orders issued to protect personnel from unsanitary or unsafe housing conditions. Id. See also 52 Comp. Gen. 69 (1972), which held that where costs are necessarily incurred as a result of competent orders issued in response to the need for correct management of a military installation, the costs may be reimbursed out of the operation and maintenance account. As further explained in a

later decision, two conditions are necessary in order to authorize reimbursement of this account: (1) the costs incurred must have been the direct result of compliance with an order issued by competent military authority and (2) the costs must have been mandatory to provide for the claimant's habitation. 55 Comp. Gen. 932 (1976).

Air Force Regulation 90-1 requires that an officer in a command position, such as General Searock, is required to reside in on-base housing unless such quarters are not available. Therefore, when he was required to vacate government quarters due to competent orders and he was advised that his evacuation would be temporary, he acted reasonably in moving with his family into VOQ. His move to VOQ clearly was the most sensible and economical short-term solution. The expenses he incurred for meals are to be considered mandatory to his habitation. Therefore, we consider the meal expenses he incurred as both reasonable and necessary to the operation and maintenance of the facility, and therefore payable out of operation and maintenance funds.

While General Searock is entitled to be reimbursed for subsistence expenses, we view the correct level of reimbursement as being the additional subsistence expenses he incurred due to his being evacuated. Had he been able to remain in his on-base housing with a kitchen, he would have incurred meal expenses but not to the extent he incurred due to the lack of a kitchen in his VOQ. Consequently, he should be reimbursed the difference between his normal monthly food expenses and the meal expenses he incurred during his month in VOQ less the amount received for basic allowance for subsistence.

for *Harry R. Van Cleave*
Comptroller General
of the United States