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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Regina W. Bonds

File: B-239153

Date: July 30, 1991

DECISION

Mrs. Regina W. Bonds, an employee of the Farmers Home Administration, was transferred from Nacogdoches, Texas, to Beaumont, Texas, and reported for duty on July 17, 1989. On the day she reported for duty at her new station, she requested and was granted 30 days of annual leave to begin the following day because of a family emergency. According to Mrs. Bonds, her husband had undergone arthroscopic surgery on July 6, 1989, and she had to return to Nacogdoches to care for him during his recovery period.

On September 5, 1989, she returned to the Beaumont office for duty from annual leave. She had been authorized 60 days of temporary quarters occupancy and she claimed temporary quarters subsistence expenses beginning September 5, 1989. Between September 5 and November 3, she occupied temporary quarters in Beaumont and returned to her residence in Nacogdoches on weekends to be with her husband. On November 6, 1989, she requested an additional 60-day period of temporary quarters because the circumstances she encountered during the earlier period were continuing. That extension was eventually approved with a not-to-exceed date of November 16, 1989, including the 30-day period she was on annual leave.

The agency now questions her entitlement to be reimbursed for temporary quarters occupancy since the Federal Travel Regulation requires that the period of temporary quarters for which a claim is made must begin within 30 days of the date a transferred employee reports for duty at the new duty station. However, if we conclude that Mrs. Bonds is entitled to reimbursement for the first 60 days, the agency asks whether she may be paid for any part of the additional 60 days since there is nothing in the record to show that she made any attempt to seek permanent quarters in the vicinity of her new duty station.^{1/}

^{1/} Decision requested by Ms. Susan C. Lauga, Authorized Certifying Officer, National Finance Center, USDA, case reference FSD-1 WDM.

Initial 60-Day Period of Temporary Quarters

Section 302-5.2(a) of the Federal Travel Regulation (FTR),^{2/} provides, in part, that temporary quarters occupancy must begin not later than 30 days after the date the employee reports for duty at the new official station. Once temporary quarters occupancy begins, section 302-5.2(a)(1) of the FTR provides that the initial period shall be allowed for not more than 60 consecutive days. The only interruptions permitted are for travel between old and new duty stations, circumstances attributable to official necessity, such as temporary duty away from the employee's new duty station and ordered military training (B-181482, Feb. 18, 1975), or a protracted period of officially approved sick leave (Bobby L. Cook, 63 Comp. Gen. 222 (1984)).^{3/} We have held that the taking of annual leave during a period of temporary quarters occupancy does not qualify as an official necessity interruption so as to extend the period. Luther S. Clemmer, B-199347, Feb. 18, 1981.

Since Mrs. Bonds reported for duty at her new station on July 17, 1989, under the regulations she had to begin temporary quarters occupancy not later than August 16, 1989. Although Mrs. Bonds did not claim having begun occupancy until September 5, 1989, her travel voucher shows that she made a subsistence claim for \$58.64 for July 16 and 17. The claim was disallowed by the agency voucher examiner because it was considered to be part of her travel to her new duty station which could not be paid because of the short distance between duty stations.^{4/}

Mrs. Bonds' travel voucher shows that she performed change-of-station travel on Sunday, July 16, 1989, and stayed at the American Motor Inn, Beaumont, Texas, that day and evening, and on the evening of July 17, 1989, her first day of duty at her new official station. It is our view that her initial 60 consecutive day period of temporary quarters began July 16,

^{2/} 41 C.F.R. § 302-5.2(e) (1989).

^{3/} The holdings in these decisions have been incorporated into section 302-5.2(a)(1) of the FTR by Amendment 10, effective December 1, 1990. In addition, that amendment permits the period to be interrupted for "other reasons beyond the employee's control and acceptable to the agency concerned." 55 Fed. Reg. 41537, Oct. 12, 1990.

^{4/} Under section 302-2.1 of the FTR, only transportation costs and other travel expenses are allowed when change-of-station travel is less than 10 hours. Mrs. Bonds' trip from Nacogdoches to Beaumont was approximately 3 hours.

1989, when she arrived in Beaumont. Although she was not entitled to travel per diem that day, she may claim temporary quarters subsistence expenses beginning the second quarter of July 16, 1989, since she arrived in Beaumont at approximately 10:30 a.m., on July 16, 1989.^{5/} Therefore, Mrs. Bonds should amend her travel voucher to show that her initial 60-day temporary quarters periods began July 16, 1989, and ended September 13, 1989.

Additional 60-Day Period of Temporary Quarters

Section 302-5.2(a)(2) of the FTR grants the head of an agency, or designee, the discretionary authority to allow an additional period of temporary quarters if it is determined that there are compelling reasons for the continued occupancy of temporary quarters. That additional period may be authorized only where the demonstrated need for additional time is due to circumstances which have occurred during the initial 60-day period and are determined to be beyond the employee's control and acceptable to the agency. Examples of compelling reasons provided in that section include the inability to occupy a new residence due to unanticipated problems or to sudden illness of an immediate family member.

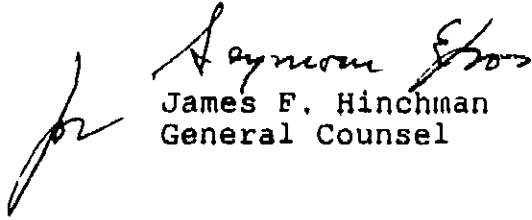
In this regard, each agency has broad discretion in authorizing an additional period of temporary quarters. Absent evidence that an agency determination was arbitrary, capricious or contrary to law, we will not challenge that action. John J. Goglia, B-235177, Aug. 23, 1989, and decisions cited.

The record shows that Mrs. Bonds' husband had an unanticipated continuing medical need for home care for many months following surgery. As a result, Mrs. Bonds was required to travel from Beaumont to Nacogdoches as often as possible, thus, preventing her from seeking permanent quarters. Based on that need, the Farmers Home Administration granted her an additional 60-day period of temporary quarters. In the circumstances, we do not find that action to be arbitrary or capricious.

The record further shows that Mrs. Bonds' temporary quarters occupancy ended on or about November 3, 1989, when she returned to her permanent residence at her old station and commuted daily to the Beaumont duty station thereafter. Accordingly, Mrs. Bonds may be allowed temporary quarters subsistence expense reimbursement for an additional period

^{5/} 41 C.F.R. § 302-5.2(g)(1)(ii).

not to exceed on or about November 3, 1989. In view of Mrs. Bonds' need to file an amended travel voucher, we are returning the original documents enclosed with the submission.



James F. Hinchman
General Counsel