

DOCUMENT RESUME

02302 - [A1592579]

[Determination of Reasonableness of Amounts Claimed for Temporary Quarters Allowance]. B-187822. June 1, 1977. 3 pp.

Decision re: Michael J. Scullin; by Robert P. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Defense Supply Agency.

Authority: 2 J.T.R. ch. 8, part F. 2 J.T.R., para. C8250. 2 J.T.R., para. C8255-1. 2 J.T.R., para. 2-5.4c. F.T.R. (FPMR 101-7) ch. 2, part 5. F.T.R. (FPMR 101-7), para. 2-5.2f. 55 Comp. Gen. 1107. 52 Comp. Gen. 78. B-182135 (1974). B-183583 (1976).

A decision was requested concerning reimbursement of a transferred employee's subsistence expenses including motel costs and lodging for his family with a relative. Occupancy of different temporary quarters by employee and dependents is authorized, but it was recommended that employee substantiate the basis for payment to relative before payment was authorized in reasonable amount. (HTW)

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DECISION



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

*Civ. Per.
CARTER*

FILE: B-187822

DATE: June 1, 1977

**MATTER OF: Michael J. Scullin - Temporary Quarters Allowance -
Reasonableness of Amounts Claimed**

DIGEST: Agency determination that amount claimed by employee for temporary quarters furnished to dependents by relatives is reasonable is arbitrary in the absence of a proper basis for the determination. Employee should be required to substantiate basis upon which rate of payment to relative was established before voucher may be paid. After consideration of such evidence, voucher may be certified in amount determined to be reasonable by agency. Occupancy of temporary quarters at different location by employee and dependents is authorized by regulations.

The Per Diem, Travel and Transportation Allowance Committee of the Department of Defense has forwarded a request for an advance decision from an authorized certifying officer concerning the claim of Michael J. Scullin for reimbursement for temporary quarters subsistence expenses incident to a transfer.

The record shows that in 1976 Mr. Scullin, a civilian employee of the Defense Supply Agency (DSA), was transferred to Richmond, Virginia, from Mechanicsburg, Pennsylvania. Mr. Scullin occupied a motel in Richmond at a cost of \$8.32 per day for the period from May 9 to June 1, 1976, inclusive, for which period he has furnished receipts and an itemized statement of his expenses for meals and laundry. His wife and 2-year-old son stayed with Mrs. Scullin's mother in Philadelphia, Pennsylvania, over the same period, for which Mr. Scullin paid his mother-in-law \$25 per day, or a total of \$600. Mr. Scullin's itemization indicates that the \$25 daily rate is comprised of \$12 for lodging, \$12 for meals, and \$1 for miscellaneous and incidental expenses. The request for decision states that it is believed that the voucher is payable as these charges appear reasonable. The agency recommends payment subject to the reimbursement limitations of part F, chapter 8, Volume 2, of the Joint Travel Regulations (JTR), as effective at the time of Mr. Scullin's travel.

The reimbursement to Federal employees of temporary quarters subsistence expenses incurred incident to a permanent change of official location is governed by the provisions of part 5 of chapter 2 of the Federal Travel Regulations (FTR), FPMR 101-7 (May 1973),

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implemented for Department of Defense civilian employees in the JTR, Volume 2. (All references are to the JTR as effective at the time of Mr. Scullin's transfer.) These regulations authorize reimbursement for the expenses of occupancy of temporary quarters for employees and/or their dependents who have vacated the residence quarters in which they were residing at the time of the transfer. 2 JTR para. C8250. Reimbursement may be made only for the actual subsistence expenses incurred, not to exceed the maximum authorized, providing the expenses are directly related to the occupancy of temporary quarters, are reasonable as to amount, and can be substantiated. 2 JTR para. C8255-1.

The FTR, para. 2-5.2f, specifically states that "The employee may occupy temporary quarters at one location while members of the immediate family occupy quarters at a different location." We perceive no problem with the occupancy of temporary quarters at a different location by members of Mr. Scullin's family. It appears to us that whatever question there may be concerning Mr. Scullin's claim for temporary quarters allowance must relate to the reasonableness of the amount claimed for lodgings and meals provided by Mr. Scullin's mother-in-law. We have stated that it is the responsibility of the employing agency in the first instance to determine the reasonableness of the amounts claimed, but that this Office has the right and duty to review the circumstances of each case and make an independent determination of the reasonableness of the claimed expenses. Matter of Jesse A. Burks, 55 Comp. Gen. 1107 (1976). We have allowed reimbursement for temporary quarters and subsistence supplied by relatives where the charges have appeared reasonable, but we also have stated that we do not consider it reasonable for employees to agree to pay relatives the same amounts they would have to pay for lodgings and meals from commercial establishments or to base payments to relatives upon the maximum amounts reimbursable under the regulations. 52 Comp. Gen. 78 (1972).

What is reasonable depends on the circumstances of each case. We have stated that objective criteria such as the number of persons involved, the necessity to hire additional help, extra work performed by the relative and possible other factors, should be considered in making the determination. 52 Comp. Gen. 78, supra. We will not substitute our judgment for that of the agency in the

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absence of evidence that the agency's determination is arbitrary, capricious or clearly erroneous. Matter of Gordon S. Lind, B-182135, November 7, 1974; Matter of Morgan R. Davis, B-183583, February 2, 1976, Burks, supra; 52 Comp. Gen. 78, supra.

In Lind we held arbitrary an agency determination that the amounts claimed by an employee who occupied temporary quarters at a relatives residence were unreasonable because the record provided no basis for such a determination. In the present case, we find no evidence of consideration of the criteria suggested in 52 Comp. Gen. 78, supra, and find no basis for the agency's determination that the amounts claimed by Mr. Scullin for temporary quarters for his dependents are reasonable. We are of the opinion that this is equally arbitrary and that Mr. Scullin should be required to substantiate the basis upon which the rate of payment to his mother-in-law was established before payment may be made. After consideration of such evidence, the voucher may be certified for payment in the amount determined by the agency to be reasonable not to exceed the maximum amount set forth in paragraph 2-5.4c of the JTR.

Action on the voucher should be taken in accordance with the foregoing.


Deputy Comptroller General
of the United States