

DECISION

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

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FILE: B-212649**DATE:** October 31, 1983**MATTER OF:** Elsa F. Carpenter**DIGEST:**

Reimbursement of temporary quarters subsistence expenses of transferred employee is statutorily limited to 30 days, except when the employee moves to and from Hawaii, Alaska, or territories or possessions of the United States. 5 U.S.C. § 5724a(a)(3). Transferred employee may not be paid the allowance for 60 days on the basis that she was given erroneous advice that the longer period for temporary quarters subsistence expenses could be allowed in her case.

The question in this case is whether a transferred Federal employee, Mrs. Elsa F. Carpenter, may be reimbursed subsistence allowance for 60 days while occupying temporary quarters at her new duty station.¹ We find reimbursement for such expenses is statutorily limited to 30 days, except that an extension may be granted when the employee moves to and from Hawaii, Alaska, or territories or possessions of the United States.

Mrs. Carpenter, an employee of the Department of the Treasury, was transferred from San Francisco, California, to Washington, D.C. Her travel authorization provided for 60 days of temporary quarters allowance. Mrs. Carpenter traveled on December 26, 1982, and occupied temporary quarters from that date through February 24, 1983. She filed a travel claim for reimbursement of her expenses for 60 days. However, since temporary quarters allowance is authorized for only 30 consecutive days under paragraph 2-5.2a of the Federal Travel Regulations (FTR) the sum of \$750, representing 30 days at \$25 per day, was disallowed.

Mrs. Carpenter, in reclaiming the \$750, contends in essence that she would have obtained different temporary quarters at less expense had she been aware that she was entitled to reimbursement for only 30 days and that she relied

¹ This question was presented as a request for decision by the Accounting Officer, Department of the Treasury.

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on the assurance of the Transportation Officer that 60 days of temporary quarters was authorized when she rented for the month of February a house that she planned to purchase.

Payment of subsistence expenses of an employee and his or her immediate family while occupying temporary quarters in connection with a permanent change of station is authorized by 5 U.S.C. § 5724a(a)(3) as implemented by chapter 2, Part 5 of the FTR. Reimbursement for such expenses is statutorily limited to 30 days, except that an extension of 30 days may be granted when the employee moves to or from Hawaii, Alaska, or territories or possessions of the United States. See paragraph 2-5.2a, FTR. Since Mrs. Carpenter transferred from San Francisco to Washington, D.C., she is only entitled to 30 days' temporary quarters allowance. 55 Comp. Gen. 1107, 1109 (1976).

Additionally, it is doubtful that she would have been entitled to temporary quarters expenses after she occupied on a rental basis the house she had contracted to purchase. See subsections 2-5.2d and f of the FTR and Matter of Klotz, B-203222, January 5, 1982.

The fact that Mrs. Carpenter may have been misadvised concerning her entitlement does not afford a basis for making a payment not authorized by law. In the absence of specific statutory authority, the United States is not liable for the negligent or erroneous acts of its officers, employees, or agents, even though committed in the performance of their official duties. See 56 Comp. Gen. 943, 950 (1977) and court cases cited therein.

Accordingly, the action taken in disallowing Mrs. Carpenter's claim for an additional 30 days' temporary quarters allowance is correct.

for 
Comptroller General
of the United States