

FCI (1/14/86)
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DECISION



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

FILE: B-220129

DATE: January 29, 1986

MATTER OF: Robert C. Woolfork

DIGEST:

Employee transferred to the Defense Contract Administration Services Region, Los Angeles, California, may not be reimbursed for temporary quarters and subsistence expenses incurred more than 6 months after he reported for duty at his new official station. Since the employee's family did not vacate the residence at his old duty station, his claim for reimbursement must begin within 30 days following his arrival at the new duty station.

Mr. Robert C. Woolfork, an employee of the Defense Logistics Agency at Lamoore, California, was transferred to Downey, California, reporting for duty at his new duty station on February 16, 1982, with relocation expense authorized. He requested a travel advance of \$812, which was paid on June 4, 1982. When he did not file a travel voucher within the required time, payroll deductions began on November 11, 1982, to recover the advance. On November 29, 1982, he submitted a voucher claiming temporary quarters subsistence expenses in the amount of \$931.50 which were incurred during the period September 17 to October 16, 1982. The agency disallowed Mr. Woolfork's claim on the basis that he had not occupied temporary quarters within the time allowed.

At Mr. Woolfork's request the agency has asked for a decision as to his entitlement to temporary quarters expenses.^{1/} It is his contention that he was delayed from occupying temporary quarters because his travel advance was not processed until June 1982 and that the regulations requiring occupancy of temporary quarters within 30 days

^{1/} This decision was requested by the Chief, Accounting and Finance Division, Office of the Comptroller, Defense Logistics Agency. It was forwarded through the Per Diem, Travel and Transportation Allowance Committee and assigned PDTATAC Control No. 85-28.

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should not apply to this situation. For the reasons stated below, we sustain the agency's denial of Mr. Woolfork's claim.

Payment of subsistence expenses of an employee and his family while occupying temporary quarters in connection with a permanent change of duty station is authorized by 5 U.S.C. § 5724a(a)(3) (1982), as implemented by Chapter 2, Part 5 of the Federal Travel Regulations, incorp. by ref., 41 C.F.R. § 101-7.003, and further implemented by chapter 13 of Volume 2, Joint Travel Regulations, for employees of the Department of Defense. Paragraph 2-5.2e of the Federal Travel Regulations (as reflected in para. C13005.1 of 2 JTR (Ch. 177, July 1, 1980)) requires occupancy of temporary quarters to begin not later than 30 days from the date the employee reports to his new duty station or, if not begun during this period, not later than 30 days from the date the family vacates the residence at the old duty station.

The regulations do not prohibit reimbursement of temporary quarters expenses for claims commencing between the period ending 30 days after the employee reports for duty at the new duty station and the 30-day period beginning when the family vacates the residence at the old duty station. 54 Comp. Gen. 13 (1974). However, where the employee's family does not vacate the residence at the old duty station, occupancy of temporary quarters must commence within 30 days of the employee's transfer. Daniel J. Turner, B-211341, July 12, 1983, and Robert C. Kelly, B-189998, March 22, 1978.

There is nothing in the record to indicate that the employee's family vacated the residence at the old duty station. Accordingly, Mr. Woolfork's eligibility expired 30 days after he reported for duty in Downey. The fact that his travel advance was delayed cannot be used as a basis for an exception to that rule. Accordingly, Mr. Woolfork's claim for temporary quarters expenses may not be paid.



Acting Comptroller General
of the United States