

**Matter of:** Carol A. Cassel  
**File:** B-254216  
**Date:** January 11, 1993

---

**DIGEST**

A recently transferred employee was in temporary quarters at her new duty station and was assigned 5 days of temporary duty at another location. She retained her temporary quarters during the 5-day temporary duty period since her son had to stay there and go to school, and her clothing and possessions would have been too bulky to transport and would have required storage space. Since the agency agrees that it was reasonable for the employee to retain her temporary quarters under these circumstances, her claim for temporary quarters subsistence expenses is allowed, as recalculated below.

---

**DECISION**

The Department of Energy requests a decision as to whether Ms. Carol A. Cassel's claim for temporary quarters subsistence expenses (TQSE) at her new duty station while she was on temporary duty for 5 days may be paid. For the following reasons, we grant Ms. Cassel's claim, as recalculated below.

The Department of Energy (DOE) transferred Ms. Cassel from Loveland, Colorado, to Tulsa, Oklahoma, and she moved into temporary quarters in Tulsa on March 2, 1991. Ms. Cassel stayed in these temporary quarters until March 31, 1991, except for the 5-day period of March 25 to 29, 1991, when she was assigned temporary duty in Phoenix, Arizona. However, Ms. Cassel's school-aged son also stayed in these temporary quarters from March 2 through March 31, 1991. He did not go to Phoenix with Ms. Cassel since he had to attend school. Additionally, Ms. Cassel maintained her temporary quarters during the 5-day period of temporary duty since her clothing and possessions would be too bulky to transport and would require a storage space. The DOE has paid Ms. Cassel for her temporary duty expenses in Phoenix and now asks

---

<sup>1</sup>This request was submitted by Ms. Rebecca C. Stillson, Authorized Certifying Officer, Department of Energy, Tulsa, Oklahoma.

whether her claim for TQSE for the 5-day period of March 25 to 29, 1991, may be paid.

In our decision, Paul G. Thibault, 69 Comp. Gen. 72 (1989) our Office held that an employee's claim for TQSE during a period in which he was away from his new duty station on temporary duty may be allowed if the agency determines that the employee acted reasonably in retaining those quarters.

In the instant case, the DOE agrees that it was reasonable for Ms. Cassel to retain her temporary quarters for the 5-day period of March 25 to 29, 1991. Thus, we grant Ms. Cassel's claim for TQSE for March 25 to 29, 1991.

Our allowance of Ms. Cassel's claim necessitates a recomputation of her TQSE reimbursement which, as requested by DOE, we recalculate as follows.

Under 41 C.F.R. § 302-5.4(a) (1992), Ms. Cassel may be reimbursed only for actual subsistence expenses incurred which are incident to occupancy of temporary quarters and are reasonable in amount. See 41 C.F.R. § 302-5.4(a) (1992). The record shows that Ms. Cassel and her son, then age 11, actually incurred subsistence expenses which, for 25 of the 30 days of TQSE, exceeded the DOE daily limit of \$99 per day for the first 30-day period of TQSE.<sup>2</sup> However, due to Ms. Cassel's particular circumstances, we agree with DOE that her maximum allowable TQSE reimbursement is limited to \$2,928.15.<sup>3</sup> Since DOE has only reimbursed Ms. Cassel \$2,640 of that amount, DOE now owes her \$288.15.

---

<sup>2</sup>The DOE daily limit consists of a \$66 allowance for Ms. Cassel and a \$33 allowance for her son, then age 11. See 41 C.F.R. § 302-5.4(c)(2)(i) and (c)(2)(iv) (1993).

<sup>3</sup>Under normal circumstances the maximum TQSE reimbursement allowable would be \$2,970 (\$99 X 30). See 41 C.F.R. § 302-5.4(c) (1992). However, the lower amount of \$2,928.15 is based on the sums of \$2,475 (25 days at the maximum rate of \$99), \$388.15 (5 days of lodging at \$77.63 per day), and \$65 (5 days of groceries at \$13 per day, for Ms. Cassel's son), which reflect the actual subsistence expenses incurred that are incident to occupancy of temporary quarters and are reasonable in amount as determined by DOE's limits. See 41 C.F.R. § 302-5.4(a) and (c) (1993). Also, we note that since Ms. Cassel was paid a total of \$110.50 for the meals and incidental expenses portion of her per diem allowance for her 5 days in Phoenix, Arizona, she may not, and did not, receive any similar TQSE reimbursement at Tulsa, Oklahoma. See 41 C.F.R. § 302-5.2(i) (1993). See also Nancy Farabee, B-244666, Feb. 14, 1992.

Accordingly, we grant Ms. Cassel's claim and DOE should reimburse her for additional TQSE in the amount of \$288.15.

Robert P. Murphy  
Acting General Counsel