



Comptroller General  
of the United States  
Washington, D.C. 20548

# Decision

**Matter of:** Christine G. Davis  
**File:** B-254837  
**Date:** May 27, 1994

## DIGEST

1. Incident to a transfer, an employee moved into temporary quarters near her new station and then took trips on weekends to several cities in the vicinity of her new and her old duty stations for which she claimed temporary quarters subsistence expenses. The employee may be reimbursed because the applicable regulations do not limit employees to a single location, provided the temporary quarters are located within reasonable proximity of the old or new official station. However, she may not be reimbursed for one weekend trip away from her new duty station that was unrelated to the transfer. 41 C.F.R. § 302-5.2(d) (1993).

2. A transferring employee used her privately owned vehicle (POV) to travel to her new duty station and establish temporary quarters. The following weekend, she returned to her old duty station to pick up her children and transport them to her new duty station. Nothing in the Federal Travel Regulation specifies that the trip the employee may use for reimbursement purposes must be the one-way trip made to report for duty at the new duty station. Therefore, the agency may reimburse the employee for the second trip as her relocation travel for herself and her two children at the mileage rate specified for POV travel with three occupants. 41 C.F.R. § 302-2.3(b) (1993).

## DECISION

The U. S. Department of Agriculture requests a decision on certain claims for temporary quarters subsistence expenses (TQSE) made by Ms. Christine G. Davis, an employee of the Food Safety and Inspection Service, incident to her transfer from Cassville, Missouri to Heavener, Oklahoma, which are

about 150 miles apart.<sup>1</sup> We conclude that she is entitled to be partially reimbursed as explained below.

#### BACKGROUND

Ms. Davis's travel orders authorized, among various items, a househunting trip, not to exceed 6 days, TQSE not to exceed 30 days, with the notation that her maximum daily rates were \$66 for her and \$33 for each child under 12 years of age. Her immediate family was designated in her travel orders as being her two children, ages approximately 4 years and 7 months, respectively.

On May 26, 1992, Ms. Davis traveled alone to her new duty station by privately owned vehicle (POV) and began occupying temporary quarters in nearby Poteau, Oklahoma. During the succeeding 30-day period (May 26-June 24, 1992), Ms. Davis traveled to several other cities on weekends, and it is the expenses claimed for these trips that the agency questions.

The weekend of May 30-31, 1992, Ms. Davis traveled to Eureka Springs, Arkansas (which is near her old duty station residence), to pick up her two children and transport them to her new duty station. She has claimed lodging costs for 2 days in Eureka Springs at a rate of \$84.55 a day and \$28.88 for mileage (152 miles at \$.19 a mile).

Ms. Davis spent the next two weekends (June 5, 6, 7 and 12, 13, 14), in Ft. Smith, Arkansas, seeking permanent quarters. Ft. Smith is about 40 miles from her new duty station. She was accompanied by her two children on both of those weekends and she claimed lodgings cost of \$102.77 a night for the first weekend and \$87.30 a night for the second weekend.

On the weekend of June 19, 20, and 21, Ms. Davis traveled to Springfield, Missouri, so that her son could celebrate his birthday with both sets of his grandparents. Ms. Davis made a lodgings cost claim for one room the first night (\$49.67) and two rooms for the next two nights (\$94.37 a night).

In each instance when Ms. Davis traveled, she gave up her motel room in Poteau, Oklahoma (she was charged a single rate of \$34.40 a night plus taxes and \$38.70 a night when her children were with her). The agency asks whether Ms. Davis is entitled to any lodging reimbursement when she traveled away from Poteau, Oklahoma, during the 30-day TQSE period and, if so, whether the agency may limit her lodging

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<sup>1</sup>The request for decision was submitted by Ms. Jeanne Digange, an Authorized Certifying Officer, Department of Agriculture, National Finance Center, New Orleans (Ref. FSD-1 RJP).

reimbursement to the room rate available to her in Poteau, and, further, whether she should be limited to reimbursement for only one room. The agency also asks whether Ms. Davis is entitled to mileage for her trip to Eureka Springs to pick up her children.

#### OPINION

#### Mileage

The only POV travel authorized in the Federal Travel Regulation (FTR) in connection with relocation is for one-way travel from the old duty station to the new station and for an authorized househunting trip, but only where the roundtrip is completed before the employee reports for duty at the new station. 41 C.F.R. Parts 302-2 and 302-4, respectively. Since Ms. Davis did not take a househunting trip prior to her transfer, her only mileage entitlement would be for a single one-way trip from her old duty station to her new station to effect her transfer.

There is nothing in the file to show that Ms. Davis made a mileage claim for the trip she made to Poteau, Oklahoma, on May 26, 1992. Her only claim is for mileage for the POV trip she made from Eureka Springs on May 31 to transport her two children to her new duty station. There is nothing in the FTR that specifies that the only trip that the employee may use for personal relocation travel reimbursement purposes would be the one-way trip made to report for duty at the new station. In view thereof, and since the second trip was used to transport Ms. Davis and her two children to her new duty station, she may be reimbursed for that one-way trip as her relocation travel at the mileage rate specified in 41 C.F.R. § 302-2.3(b) for three occupants.

#### Temporary Quarters

The regulations relating to reimbursement for temporary quarters occupancy are found in Part 302-5 of the FTR.<sup>2</sup> In particular, section 302-5.2(d) provides in part:

"(d) . . . As a general rule, the location of the temporary quarters must be within reasonable proximity of the old and/or new official duty station. Payment of . . . [TQSE] in other locations shall not be allowed unless justified by circumstances unique to the individual employee or the employee's family that are reasonably related and incident to the transfer. . . . Occupancy of temporary quarters shall not be approved for

<sup>2</sup>41 C.F.R. Part 302-5 (1993).

vacation purposes or other reasons unrelated to the transfer."

Our analysis of the several weekend trips is as follows:

1. Trip to Springfield (June 19-21). Since the admitted purpose for that trip was to celebrate her son's birthday with his grandparents, it was personal and unrelated to her transfer. Therefore, Ms. Davis may not be reimbursed any lodging or meals expenses incident to that trip.<sup>3</sup>
2. Trip to Eureka Springs (May 30-31). Ms. Davis's trip to Eureka Springs was for the purpose of picking up her children and transporting them to her new duty station. Since that trip was related to and incident to her transfer and the lodgings were located in the vicinity of her old duty station, she is entitled to lodging and meals expense reimbursement there as part of her TQSE.
3. Trips to Ft. Smith (June 5-7 and 12-14). The issue here is whether Ft. Smith, which is about 40 miles from Heavener, is "within reasonable proximity" of her new duty station as that phrase is used in section 302-5.2(d) of the FTR. Nothing in the FTR requires an employee to remain in the same lodgings during the entire period for which TQSE has been authorized, nor has the term "reasonable proximity" been defined in the FTR or by agency regulations.

For purposes of relocation entitlements, an employee's "official station or post of duty" means "the residence or other quarters from which the employee regularly commutes to and from work." 41 C.F.R. § 302-1.4(k). In this case, we do not believe that 40 miles is an unreasonable commuting distance. Therefore, it is our view that Ft. Smith is within reasonable proximity of Ms. Davis's new duty station and she is entitled to temporary lodging expense reimbursement while seeking permanent quarters there.

#### Allowable amounts

Employees may only be reimbursed their actual subsistence expenses provided they "are incident to occupancy of temporary quarters and are reasonable in amount." 41 C.F.R. § 302-5.4. Accordingly, an employee is not necessarily entitled to claim reimbursement for the maximum amount allowable if the agency determines the expenses are

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<sup>3</sup>See Bessie G. Loss, B-164251, June 26, 1968; Harold J. Farrall, B-169525, May 11, 1970.

unreasonable.<sup>1</sup> James R. Broyles, B-242677, July 3, 1991. What is reasonable depends on the circumstances in each case. Id.

In the present situation, the room costs claimed by Ms. Davis for her lodgings in Eureka Springs and Ft. Smith exceeded the rates available in Poteau. However, the proper comparison is with other lodgings in the same immediate area. Cf. Id. The Federal Travel Directory (April 1994) shows that rooms are available in Ft. Smith at government rates of \$35 to \$44 per night for single occupancy. The directory did not have a listing for rooms in Eureka Springs. Therefore, in its discretion, the agency may reduce Ms. Davis's lodgings cost reimbursement to the multiple occupancy rate of those rooms for the nights she stayed in Ft. Smith and may make its own determination regarding a reasonable room rate for Eureka Springs and limit Ms. Davis's reimbursement accordingly.

This same reasonableness standard applies to the issue of whether Ms. Davis is entitled to claim two rooms. The agency has asserted that, because her children were ages 4 years and 7 months respectively, Ms. Davis should only have needed one hotel room.<sup>2</sup> We agree. Therefore, the agency may limit Ms. Davis's lodging reimbursement to the cost of one room.

*Seymour Efron*

Robert P. Murphy  
Acting General Counsel

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<sup>1</sup>Of course, in no instance may an employee's TQSE reimbursement exceed the daily maximum allowable amount. In Ms. Davis's case, that amount was either \$66, \$99, or \$132 depending on whether either one or both of her children stayed with her. We note that Ms. Davis's voucher claim exceeds her maximum allowable amount on at least three dates, May 30, June 5, and June 6.

<sup>2</sup>The record suggests that the children stayed with their father on those nights when Ms. Davis claimed two rooms. However, because he was not listed as a family member on Ms. Davis's travel orders, she may not claim reimbursement for any expenses she incurred on his behalf.