

DECISION



DIGEST - L - CP
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

728

FILE: B-195506

DATE: October 26, 1979

MATTER OF:

- Temporary Quarters

Allowance

DIGEST: After reporting to his new duty station and beginning occupancy of temporary quarters, employee was absent from station for 14 days while on annual leave. He may be paid a temporary quarters allowance for the days he was on annual leave absent any indication that his taking of leave caused an unwarranted extension of the period of his occupancy of temporary quarters. The fact that the employee was away from his old or new duty station or that he was on annual leave is not determinative of his entitlement.

This action is in response to a request for a decision by Virginia G. Leist, an authorized certifying officer of the Internal Revenue Service, regarding payment of the reclaim voucher of for a portion of the temporary quarters allowance which was withheld by the fiscal management branch. claimed temporary quarters in connection with a permanent change of duty station.

The record reveals that was transferred from Corbin, Kentucky, to Louisville, Kentucky, where he reported to duty on June 25, 1978. Although began to occupy temporary quarters within thirty days thereafter, he was on temporary duty until August 18, 1978, and chose to claim temporary quarters subsistence expenses beginning on that date. He took annual leave in New York from August 18 until August 26, and from September 1 to September 5, he was on annual leave in Atlanta. The running of the 30-day period for occupancy of temporary quarters was suspended from September 6 to September 29, while he again was assigned to temporary duty. The certifying officer has paid a temporary quarters allowance for the period from August 18 to October 10, exclusive of the 24 days of temporary duty, but denied temporary quarters subsistence expenses for the periods from August 18 to 25, and September 1 to 5, when he was on annual leave in different cities.

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Our Office has held that, under the Federal Travel Regulations, an employee's entitlement to temporary quarters is not restricted to instances where the temporary quarters were located at either the old or new official station. B-178790, August 1, 1973, and B-165139, October 8, 1968. We have also held that an employee is entitled to temporary quarters even if he is on annual leave. B-178790, supra, and B-175594, May 31, 1972.

Many of these prior decisions concerned employees who had taken annual leave during the period of temporary quarters which raised the question of whether they were on "personal business." Because the regulations provide that temporary quarters should be regarded as an expedient for only so long as necessary until the employee can move into permanent residence quarters, that determination is dependent on whether the employee's taking of annual leave and traveling away from his new duty station caused an unwarranted extension of the period of temporary quarters allowance or a delay in occupying permanent quarters. See _____, B-184137, December 29, 1975. If the employee has acted expeditiously in attempting to locate permanent quarters and has occupied permanent quarters as soon as available, he is entitled to a temporary quarters allowance for the days he was on annual leave away from his old and new duty stations, since under those circumstances, he would have occupied temporary quarters regardless of whether he had taken leave. In this context, the term "personal business" refers to the necessity for the employee's occupancy of temporary quarters.

On the basis of the record before us we are unable to determine whether _____ taking of leave during the days in question caused an unwarranted extension of the period of his occupancy of temporary quarters. If it is administratively determined that his actions did not cause an unwarranted extension of the period of temporary quarters occupancy, the voucher may be paid if otherwise proper.

Shilton J. Sochan
For the Comptroller General
of the United States