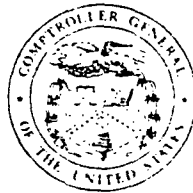


DECISION

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

50871 95442

FILE: B-180286

DATE: JUL 2 1975

MATTER OF: William G. Martin - Temporary quarters subsistence expenses

- DIGEST:
1. Under 5 U.S.C. 5724a(a)(3) and implementing regulations, employee incident to transfer to new duty station in the United States may be allowed temporary quarters subsistence expenses (TQSE) incurred by him while occupying temporary quarters at both his old and new duty stations. Also, TQSE should be computed on the basis of consecutive calendar days by excluding from computation of authorized period and 10-day periods for determining maximum amount allowable, the time for travel from old to new duty station.
 2. Since temporary lodging allowance (TLA) under 5 U.S.C. 5923(1)(B) duplicates reimbursement for temporary quarters subsistence expenses (TQSE) to extent that both allowances may be allowed for the cost of occupying same temporary quarters for same period, employee's claim for TQSE while occupying temporary quarters in foreign area incident to transfer from that area to duty station in United States is required to be reduced by amount of TLA received by him during period of his claim.

This action concerns the propriety of certifying for payment a voucher submitted by Mr. William G. Martin, an employee of the Defense Supply Agency, representing subsistence expenses incurred by him while he and his family occupied temporary quarters incident to his transfer of official station from Yokota Air Base, Japan, to Richmond, Virginia.

Incident to his transfer, Mr. Martin was authorized reimbursement for temporary quarters subsistence expenses (TQSE) for a maximum period of 30 days. Prior to their departure from Japan, Mr. Martin and his family vacated their Government provided quarters on August 31, 1973, and occupied temporary quarters until September 7, 1973, the date of

their departure for the United States. Upon their arrival at his new duty station on September 8, 1973, they occupied temporary quarters until September 15, 1973, the date they moved into permanent quarters.

The record indicates that Mr. Martin has been reimbursed the subsistence expenses incurred by him and his family while they occupied temporary quarters prior to their departure and has been paid a per diem allowance for the period they were in a travel status between his old and new duty stations. However, the agency has questioned whether an employee may be reimbursed for TQSE incurred while occupying temporary quarters at both the old and new duty stations. The agency's doubt in this matter arises from the language of 2 Joint Travel Regulations, para. C8251-4a (change 75, December 1, 1971), which provides that an employee will be eligible for reimbursement for TQSE only when he occupies temporary quarters at the old or new duty station or in the vicinity thereof. If reimbursement for both periods is proper, the agency also asks whether the period the employee is traveling between his old and new duty stations should be excluded for the purpose of computing the 10-day periods for determining the maximum amount allowable.

An employee who occupies temporary quarters incident to a transfer to a new duty station located in the United States may be allowed under 5 U.S.C. 5724a(a)(3) (1970) and implementing regulations subsistence expenses for a period of not more than 30 consecutive calendar days. While paragraph C8251-4a limits an employee's eligibility for reimbursement for TQSE by specifying the areas in which the temporary quarters occupied may be located, it was not intended to preclude the reimbursement of an employee for TQSE incurred by him while occupying temporary quarters in such locations merely because during the period authorized he occupied temporary quarters at more than one of the locations specified. In this regard 2 JTR, para. C8251-3b (change 75, December 1, 1971), provides an exception to the requirement that the period for which reimbursement for TQSE has been authorized be computed on the basis of consecutive calendar days as follows:

" * * * When occupancy of temporary quarters at the old duty station, for which reimbursement is claimed, is interrupted by the performance of official travel from the old to the new duty station where occupancy of temporary quarters is resumed, the actual time en route, not in excess of the authorized allowable travel time, will be excluded from the period of eligibility."

This provision clearly indicates that an employee may be reimbursed for TQSE incurred by him while occupying temporary quarters at both his old and new duty stations incident to a transfer. It also clearly provides that the actual travel time for official travel from the old to the new duty station, not to exceed the authorized travel time, should be excluded from the computation of the authorized period of consecutive calendar days and the computation of 10-day periods for determining the maximum amount allowable.

In this regard it should be noted that since Mr. Martin's old duty station was located in a foreign area and, incident to his transfer, he and his family occupied temporary quarters in that area which apparently were not Government-owned or rented quarters, he may also be allowed under 5 U.S.C. 5923(1)(B) (1970) and implementing regulations a temporary lodging allowance (TLA) for the cost of those temporary quarters. However, 2 JTR, para. C8253 (change 75, December 1, 1971), provides that an employee may not be allowed reimbursement for TQSE which duplicates in whole or in part payments received under other laws or regulations covering similar costs. The regulation also states that entitlement to TLA is not a duplication of entitlement to TQSE. However, in this regard, the TLA duplicates reimbursement for TQSE under 5 U.S.C. 5724a(a)(3) (1970) to the extent that both allowances may be granted for the cost of occupying the same temporary quarters for the same period. Accordingly, reimbursement of an employee for TQSE incurred by him while occupying temporary quarters at his old duty station incident to a transfer from a duty station in a foreign area to a duty station located in the United States must be reduced by any amounts received by him as a TLA for the cost of occupying those quarters during the same period. The record in the present case is not clear as to whether Mr. Martin received a TLA. If he was allowed a TLA, the reimbursement of Mr. Martin for TQSE incurred by him and his family while occupying temporary quarters in Japan for the period of August 31 to September 7, 1973, would be improper to the extent that he has received a TLA for the cost of those same quarters for that same period. Therefore, the amount of TQSE should be reduced by any TLA he may have received.

The voucher is for processing in accordance with the above if otherwise correct.

R. F. WELLS
Deputy
Comptroller General
of the United States