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**DECISION**



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

FILE: B-186055

DATE: October 1, 1976

MATTER OF: Joseph W. LaGattuta - Temporary Lodging  
Allowance

DIGEST: Prohibition of Federal Travel Regulations para. 2-5.2(i) against payment of temporary quarters subsistence expenses which duplicate subsistence reimbursed under other regulations and law does not apply to temporary lodging allowance authorized under 5 U.S.C. 5923 and Standardized Regulations for employees in foreign areas. Accordingly, employee's claim for TLA during periods employee was on temporary duty and received per diem may be authorized for payment.

This action is in response to a request dated March 8, 1976, by Edwin J. Fost, Chief, Accounting Section, Office of the Controller, Drug Enforcement Agency, for our determination of the propriety of payment of a reclaim voucher submitted by Mr. Joseph W. LaGattuta, an employee of the Agency, for payment of temporary lodging allowance for periods during which he was on temporary duty and received a per diem allowance.

The record shows that Mr. LaGattuta was transferred to Paris, France, he was authorized 90 days temporary lodging allowance (TLA) incident thereto, and he arrived in Paris on June 14, 1975. During Mr. LaGattuta's first 90 days in Paris and, while still occupying temporary lodgings, he performed temporary duty on several occasions for which he received per diem allowances. Subsequently, the agency denied Mr. LaGattuta's claim for TLA for those days for which he had received a per diem allowance on the basis of para. 2-5.2(i) of the Federal Travel Regulations (FTR) (FPMR 201-7), which prohibits payment of temporary quarters subsistence expenses which duplicate in whole or in part payments received under other laws or regulations.

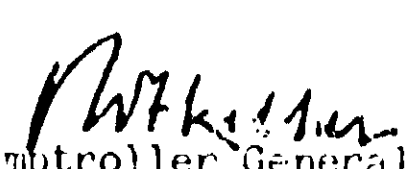
In the instant case Mr. LaGattuta was authorized TLA, not a temporary quarters subsistence allowance, since he was transferred to Paris and the latter allowance may not be authorized in connection with a transfer to a foreign station. B-177131, February 12, 1973. Therefore, the provisions of the FTR are inapplicable.

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An employee's entitlement to TLA authorized for personnel in foreign areas under section 5923(1)(A) of title 5, United States Code (1970), is governed by the provisions of the Standardized Regulations (Government Civilians, Foreign Areas), chapter 100, subchapter 120. There is no provision in those regulations for reducing TLA when an employee performs temporary duty away from his duty station and receives a per diem allowance. Therefore, there was no authority for reducing Mr. LaGattuta's TLA.

Accordingly, Mr. LaGattuta's reclaim voucher, returned herewith, may be certified for payment if otherwise proper.

Deputy

  
Comptroller General  
of the United States