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M. Nordall

Civ. Pers.

DECISION



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

FILE: 8-186500

DATE: December 23, 1976

**MATTER OF: Mr. Eugene J. Noltkamper - Subsistence While
Occupying Temporary Quarters**

**SUMMARY: Employee was transferred from Dallas to
Fort Worth, total miles--31. He claims
subsistence expenses while occupying
temporary quarters. Although his agency
has a regulation which states that "an
agent must be located within the metro-
politan area to which he is assigned,"
his claim is denied, in view of the
"40 mile requirement" of the Federal
Travel Regulations (FPMR 101-7) para.
2-5.2(h).**

This action is in response to the request for an advance decision from Mr. C. D. Neudorfer, an authorized certifying officer of the United States Department of Justice, Federal Bureau of Investigation (FBI), regarding payment of the voucher of Mr. Eugene J. Noltkamper, Special Agent of the FBI, for 30 days' temporary quarters expenses.

Mr. Noltkamper was transferred on July 21, 1975, from Dallas, Texas, to Fort Worth, Texas. On August 20, 1975, he and his family vacated their former residence and relocated in an apartment in Fort Worth, where they stayed until November 10, 1975, at which time, they moved into a new residence. It has been computed, by Mr. Neudorfer (using an official highway mileage guide), that the total distance involved in Mr. Noltkamper's transfer was 31 miles.

We were informally advised by the FBI that their Manual states that "an agent must be located within the metropolitan area to which he is assigned." Mr. Noltkamper was granted relocation expenses, as his transfer was determined to be in the best interest of the Government.

The question presented is whether Mr. Noltkamper may also receive temporary quarters expenses under the requirements set forth in the Federal Travel Regulations (FPMR 101-7) para. 2-5.2(h) which provides as follows:

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"An employee or members of his immediate family shall not be eligible for temporary quarters expenses when the distance between the new official station and old residence is not more than 40 miles greater than the distance between the old residence and the old official station * * *. All measurements shall be made according to map distance along a usually traveled route."

Mr. Noltkamper argues that he is required, pursuant to the administrative regulations of the FBI, to reside within the metropolitan area where stationed and thus, that he is entitled to temporary quarters expenses. We do not agree. Federal Travel Regulations (FPMR 101-7) para. 2-5.2(h) is explicit and Mr. Noltkamper's move did not satisfy the "40 mile requirement" nor does it come within any of the stated exceptions.

Accordingly, the voucher may not be certified for payment.

R. J. Kessen
Acting Comptroller General
of the United States