

DOCUMENT RESUME

02572 - [A1752757]

[Request concerning Temporary Quarters Subsistence Allowance].
B-187622. June 13, 1977. 3 pp.

Decision re: Charles J. Wilson; by Robert F. Keller, Deputy
Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation
(305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel
Management (605).

Organization Concerned: Department of Health, Education, and
Welfare.

Authority: 31 U.S.C. 82d. F.T.R. (PPMR 101-7), para. 2-5.2c.
B-183829 (1976). B-169923 (1970). 51 Comp. Gen. 701. 26
Comp. Gen. 797. 21 Comp. Gen. 1128.

T. Rivera, Director, Accounting Division, Department of
Housing and Urban Development, requested an advance decision as
to the propriety of reimbursing an employee for subsistence
while he was occupying temporary quarters incident to a
permanent change of duty station. Reimbursement was allowed
because the employee properly manifested his intention not to
occupy the quarters (apartment) on a permanent basis.
(Author/QM)

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DECISION

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

FILE: B-187622

DATE: June 13, 1977

MATTER OF: Charles J. Wilson - Temporary quarters subsistence allowance

DIGEST:

1. Employee rented apartment on month-to-month basis at new duty station incident to transfer. Claim for subsistence expenses incurred while occupying temporary quarters may be allowed since employee manifested intention not to occupy apartment on permanent basis by manner of renting apartment, placing deposit to reserve new home which is currently being constructed one month after arrival at new station, and by leaving part of household goods unpacked in his apartment.
2. Certifying officer should submit voucher with request for advance decision under 31 U.S.C. § 82d (1970). Where voucher contains items properly for certification and questionable items, certifying officer should suspend questionable items and certify for payment only those items clearly payable. Suspended items should be placed on reclaim voucher and submitted to GAO for advance decision. Voucher should be accompanied by all pertinent supporting documents and statement of claimant.

This action is in response to a request for an advance decision submitted by letter of October 5, 1976, from T. Rivera, Director, Accounting Division, United States Department of Housing and Urban Development (HUD), as to the propriety of reimbursing Mr. Charles J. Wilson, an employee of HUD, subsistence while occupying temporary quarters incident to a permanent change of duty station from Washington, D.C., to Santa Ana, California, in July 1976.

By travel order dated June 22, 1976, Mr. Wilson was authorized payment of subsistence while occupying temporary quarters for a maximum of 30 days. The record shows that Mr. Wilson arrived at his new duty station in Santa Ana, California, on July 24, 1976. On August 14, 1976, Mr. Wilson rented an apartment on a month-to-month basis. On August 25, 1976, he signed an agreement entitled

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"Request to Reserve House" and placed a \$1,000 deposit on a home under construction. His wife and three children left their former residence in Alexandria, Virginia, on August 29, 1976, and arrived in Santa Ana, California, on September 5, 1976.

Mr. Wilson has submitted a voucher claiming reimbursement of \$1,538.37 for actual subsistence expenses incurred while occupying temporary quarters for the 30-day period immediately following the arrival of his family (from September 5 to October 4, 1976). The temporary quarters subsistence expenses claimed include expenditures for lodging, meals, tips, and laundry. The Accounting Director apparently questions whether temporary quarters subsistence expenses may legally be reimbursed to Mr. Wilson since his household goods were delivered to and used or stored in his rented apartment and in its garage.

Mr. Wilson states that approximately 25 percent of his personal belongings have not been unpacked and that his intention is to move into his new home when construction is completed. He also states that the size of his family made moving into a motel a physical impossibility, and that the cost of the apartment was substantially less than the cost of motel accommodations and temporary storage for his household goods and personal effects. In addition Mr. Wilson obtained permission for his children to attend the school near the home he was purchasing instead of the one near his apartment.

Federal Travel Regulations (FPMR 101-7) para. 2-5.2c (May 1973) defines temporary quarters as follows:

"The term 'temporary quarters' refers to any lodging obtained from private or commercial sources to be occupied temporarily by the employee or members of his immediate family who have vacated the residence quarters in which they were residing at the time the transfer was authorized."

We have consistently held that a determination as to what constitutes temporary quarters is not susceptible of any precise definition, and any such determination must be based on the facts in each case. Thus, in past decisions we have considered such factors as the duration of a lease, movement of household effects into the quarters, the type of quarters, expressions of intent, attempts to secure a permanent dwelling, and the period of residence

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in the quarters by the employee. The above factors were utilized in attempting to determine whether the intent of the employee was to occupy the quarters on a permanent or temporary basis. See Matter of Harrison J. Lane, B-183829, January 2, 1976, and decisions cited therein. The presence or absence of an employee's household effects at the new living quarters is not by itself determinative of the permanence of the living quarters occupied. B-169923, August 14, 1970.

In the present case it is our view that the facts stated above indicate that it was Mr. Wilson's intention to occupy the rented apartment on a purely temporary basis. While our opinion is based on the whole record, we find it especially significant that Mr. Wilson rented an apartment on a month-to-month basis, placed a deposit upon a home one month after his arrival at his new station, and has not unpacked all of his household effects.

Accordingly, a voucher on behalf of Mr. Charles J. Wilson, in the amount of \$1,538.37, for actual subsistence expenses incurred while occupying temporary quarters may be certified for payment if otherwise proper.

In a letter dated March 29, 1977, the Accounting Director has also requested information concerning the procedure for obtaining an advance decision. Since the Accounting Director appears to be a certifying officer, 31 U.S.C. § 82d (1970) would be applicable. Our decisions have consistently required that a certifying officer forward the voucher on which a questionable item appears in order to receive an advance decision. 51 Comp. Gen. 701 (1972); 26 id. 797 (1947); and 21 id. 1128 (1942). In a case, such as the present one, where a voucher contains items which are clearly payable and one or more which are questionable, the proper procedure is to suspend the questionable items and certify the remaining ones for payment. A reclaim voucher for the suspended items may then be submitted to our Office for an advance decision. The submission should be accompanied by all pertinent documents, such as the travel order, itemized lists of subsistence expenses, and supporting evidence and statement by the employee claiming payment of travel allowances. The submission of the request for an advance decision in the above manner will generally permit the rendition of a decision without additional correspondence with the administrative office and/or the claimant.

R. F. K. 11/14
Deputy Comptroller General
of the United States