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DECISION



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

Douglas Faulkner
Civ. Pers.

FILE: **B-187774**

DATE: **FEB 1 1977**

MATTER OF: **Ronald O. Bogle - Temporary Quarters Allowance**

DIGEST:

Employee, whose new duty station was only 29 miles from his old duty station, was unable to occupy his mobile home for 5 days after its arrival because electricity was not connected, may be reimbursed for temporary quarters expenses. Paragraph 2-5.2h of FTR which limits temporary quarters expenses to time of arrival of household goods where move is short distance, is not bar, since uninhabitability of mobile home is equivalent to nonarrival of household goods.

This matter is in response to a request for an advance decision dated November 2, 1976, from Mr. Orris C. Huet, an authorized certifying officer of the Department of Agriculture, concerning the authority for reimbursing Mr. Ronald O. Bogle for temporary quarters expenses incurred at the time of his transfer.

Under the authority of AD-202, Travel Authorization No. 1647027, dated August 17, 1975, Mr. Bogle, a District Conservationist with the Soil Conservation Service, was transferred from Manchester to Tracy City, Tennessee, a distance of only 29 miles. In lieu of moving household goods, Mr. Bogle was authorized transportation of his mobile home to be used as a permanent residence. The travel authorization authorized temporary quarters for 30 days. The mobile home arrived at Mr. Bogle's new duty station on Wednesday, October 15, 1975, and he began to prepare it for occupancy. Before the electricity could be connected, it began to rain and continued to rain for the remainder of the week. Despite repeated requests from Mr. Bogle, the power company did not require its employees to connect the electricity because the applicable union contract stated that the employees did not have to work on the power lines in bad weather unless it was an emergency. Mr. Bogle and his wife obtained temporary quarters at a motel until the electricity was connected on Monday, October 20, 1975.

b-187774

Mr. Bogle has submitted a claim for the temporary quarters and subsistence expenses incurred while occupying the motel room. The certifying officer questions whether or not payment can be made in light of para. 2-5.2h of the Federal Travel Regulations, FPMR 101-7 (May 1973), which provides that:

"Allowance when short distance transfer is involved. 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, except that the expenses of temporary quarters are allowable for the period during which the employee is awaiting the arrival of his household goods shipped from the old to the new residence, provided that use of such quarters is begun not later than the maximum time for beginning allowable travel and transportation. All measurements shall be made according to map distance along a usually traveled route."

Since the distance involved is less than 40 miles, and Mr. Bogle's trailer arrived prior to his occupancy of temporary quarters, the certifying officer questions the authority for this payment.

The justification for this limitation would seem to be that because of the short distance involved, the employee should be able to make all the necessary arrangements for a permanent residence prior to the arrival of his household goods. Therefore, as soon as the household goods arrive, he can occupy and use his new permanent residence. Here, Mr. Bogle, through no fault of his own, was prevented from using his mobile home even though it had arrived. The situation is analogous to that found in B-196217, August 18, 1976, where the employee who was subject to the same short distance limitation, was prevented from moving into Government-owned quarters because they were being repainted. We allowed reimbursement there. Similarly, we believe that since the mobile home was uninhabitable, during the period in question, it may be treated as if it had not arrived, and Mr. Bogle may be reimbursed for his temporary quarters expenses.

B-187774

Accordingly, the voucher may be certified for payment if otherwise proper.

R. F. KELLER

Deputy Comptroller General
of the United States