

DOCUMENT RESUME

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[Transferred Employee's Claim for Reimbursement of Temporary Quarters Subsistence Expenses]. B-192011. December 12, 1978. 3 pp.

Decision re: Lawrence J. Blas; by Robert F. Keller, Deputy Comptroller General.

Contact: Office of the General Counsel; Personnel Law Matters II.

Organization Concerned: U.S. Fish and Wildlife Service.

Authority: 5 U.S.C. 5724a. B-185983 (1976). B-190108 (1978).

F.T.k. (FPHR 101-7).

A transferred employee's claim for payment of temporary quarters subsistence expenses was questioned. The employee was not entitled to reimbursement for the expenses of occupying temporary quarters at his new duty station since he had apparently occupied his permanent residence even though it was completely furnished. (HTW)

DECISION

R. H. Mustang
PLA II
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

2590

FILE: B-197011**DATE:** December 12, 1978**MATTER OF:** Mr. Lawrence J. Blus - Temporary quarters
subsistence expenses

DIGEST: Transferred employee may not receive reimbursement for expenses incident to occupancy of temporary quarters at new duty station where it appears that his permanent residence was available and occupied even though that residence was not completely furnished. Under paragraph 2-5.2f, FTR, eligibility for temporary quarters allowance terminates at any time employee or any member of his family first occupies new permanent quarters.

This action is in response to a letter dated May 22, 1978, with enclosures, from P. A. Lyman, Authorized Certifying Officer, Fish and Wildlife Service, Department of the Interior, Denver, Colorado, submitting a voucher and requesting a decision concerning a claim of Lawrence J. Blus for payment of temporary quarters subsistence expenses incident to a transfer.

In October or November 1977 Mr. Blus was transferred to Corvallis, Oregon, from Laurel, Maryland. He and his family traveled to Corvallis after orders were issued but before the effective date of his transfer. They arrived on August 31, 1977, and his household goods were delivered to his new residence which was available on September 1, 1977. His claim for subsistence expenses for himself and his immediate family in the amount of \$73.10 for September 2 and 3, 1977, on his travel voucher was disallowed, since it appeared that he occupied his permanent residence quarters on September 1.

A reclaim travel voucher was submitted by Mr. Blus for the temporary quarters expense contending in effect that the household goods were delivered early in accordance with the schedule of the movers and that they had to buy additional beds and a refrigerator before occupying the residence on September 4. The certifying officer points out that the claim for temporary subsistence expenses includes no lodging costs for September 1 through September 3. On that basis he concludes that the permanent residence quarters were occupied on and after September 1. Therefore reimbursement for expense incurred thereafter was not allowed.

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Paragraph 2-5.2c, Part 5, chapter 2 of the Federal Travel Regulations (FTR), FPMR 101-7, May 1973, issued by the General Services Administration to implement 5 U.S.C. 5724(a)(3) defines temporary quarters as follows:

"What constitutes temporary quarters. 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." (Emphasis added.)

Paragraph 2-5.f, provides in part that:

"* * * The employee may occupy temporary quarters at one location while members of the immediate family occupy quarters at another location. The period of eligibility shall terminate when the employee or any member of his immediate family occupies permanent residence quarters or when the allowable time limit expires, whichever occurs first." (Emphasis added.)

The rule with regard to the period of eligibility for temporary quarters is that at the time the employee or any member of his immediate family occupies new permanent quarters the eligibility terminates. B-185983, September 17, 1976. Also, when an employee and his family occupy the residence in which they intend to live, the allowance is terminated even though the residence is not fully furnished at the time. See B-120108, February 13, 1978, and decisions cited therein.

The certifying officer has concluded that the employee and his family stayed at the residence during the 2 days in question. As indicated his view is predicated upon the employee's failure to claim lodging costs for those days. It is also noted that the employee's statements as to what actually occurred on those days are not entirely clear and that he has not stated where the family did stay the nights of September 2 and 3.

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The employee has not presented evidence to show that he did not stay at the residence in Corvallis on September 2 and 3. Accordingly, we have no basis for reaching a conclusion contrary to that reached by the certifying officer.

The reclaim voucher may not be certified for payment.

R. J. Kellin
Deputy Comptroller General
of the United States