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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

10,409

FILE: B-194065

DATE: June 8, 1979

MATTER OF: Kenneth C. Crawford - Temporary Quarters
Subsistence Expenses

per name
Claim for

DIGEST Employee's family moved into their residence at new duty station prior to employee's departure from his old duty station and prior to arrival of their household goods. His family ate their meals in restaurants. Notwithstanding that use of a motel would have been more costly to the Government, he may not be reimbursed expenses for family's meals. They occupied residence in which they intended to remain and therefore their quarters were not temporary so as to entitle employee to reimbursement.

The claim was denied.
AGC00068

Mr. Kenneth C. Crawford, an employee of the National Oceanic and Atmospheric Administration (NOAA), has requested that NOAA submit his claim for temporary quarters subsistence expenses to this Office for decision.

The record shows that Mr. Crawford was transferred from New Orleans, Louisiana, to Fort Worth, Texas, pursuant to orders approved on September 18, 1978. Since he knew of his selection and had given his oral acceptance of the position in Fort Worth on August 24, 1978, his family departed early for Texas in order that his children could start the new school year there. Mr. Crawford's family arrived in Bedford, Texas, on August 28, 1978, and took up residence in a home which Mr. Crawford had owned for 3 years. Mr. Crawford could not be released from his old position in New Orleans until October and his household goods were not moved from New Orleans until September 28, 1978.

Mr. Crawford claims temporary quarters subsistence expenses for the meals consumed by his family in Bedford from August 28, 1978, until September 27, 1978. The National Oceanic and Atmospheric Administration denied his claim on the grounds that his home was not temporary quarters as required by the regulations. See Para. 2-5.2f of the Federal Travel Regulations. (FPMR 101-7, May 1973).

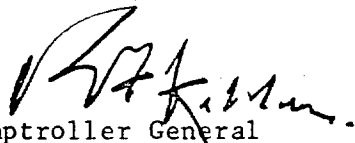
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In support of his claim, Mr. Crawford states that his family elected not to stay at a motel in Bedford in order to save the Government money and to meet their reasonable desire to stay in their home. He argues that his home was in fact temporary quarters for that period because it contained no household furnishings. He claims no expenses for lodging.

We have consistently held that an employee may not be reimbursed subsistence expenses during the period he or his family occupy the residence in which they intend to remain even in the absence of household effects which arrive at a later date. That such occupancy results in savings the Government may not serve as a basis for holding otherwise. Matter of Jack Carson, B-191626, November 20, 1978; Matter of Jack P. Collins, B-190108, February 13, 1978.

The evidence shows that Mr. Crawford's family intended to occupy their residence in Bedford on a permanent basis. Although the house was unfurnished and lacked cooking and eating facilities, it does not qualify as temporary quarters in which Mr. Crawford's family intended to reside for a short period prior to moving into permanent quarters. Carson, supra. The claim is denied.


Deputy Comptroller General
of the United States