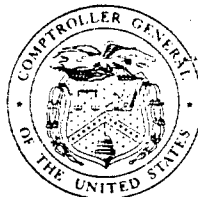


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DECISION



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

FILE: B-195814

DATE: December 12, 1979

MATTER OF: *↑* Salvatore A. Corrao ~~_____~~

DIGEST: Transferred employee rented temporary quarters from his parents. He stored his furniture at a residence owned by his grandmother and later moved into an apartment at that residence. He is entitled to subsistence while occupying temporary quarters in view of agency determination that he did live with his parents and not at his grandmother's residence during the period in question and since it is not shown that he could have lived at his grandmother's residence during this period.

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Entitlement to

H. M. Sanchez, Disbursing Officer, Marine Corps Base, Camp Pendleton, California, requests an advance decision as to whether Mr. Salvatore A. Corrao is entitled to receive subsistence while occupying temporary quarters (TQSE) incident to a permanent change of duty station. For the following reasons, Mr. Corrao is entitled to be reimbursed TQSE.

Mr. Corrao, a civilian employee of the United States Marine Corps, was authorized up to 30 days' TQSE incident to his transfer from San Bruno, California, to Camp Pendleton. Upon his arrival in the Camp Pendleton area on October 21, 1975, Mr. Corrao and his family, a wife and 3-month-old infant daughter, rented temporary quarters on a daily basis from his parents, Mr. and Mrs. Andrew Corrao, at 514 West Juniper Street, San Diego, California. The claimant states that he did so because the area hotels and motels were unsuited for the needs of his family, especially his infant daughter. Because the moving company informed him that partial delivery of his furniture was not possible, Mr. Corrao had his furniture stored in the house of his grandmother, Mrs. Sam Corrao, at 2306 Union Street, San Diego. This was necessary so he could remove

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furniture (e.g., crib, high chair, and bathinette) for the care of his daughter. Mr. Corrao states that he paid for this storage from the date of delivery, October 24, 1975, until its removal on December 1, 1975.

Mr. Corrao resided with his parents from October 21 to November 30. On December 1, an apartment became vacant within his grandmother's house and he rented it. The apartment address was 2306-1/2 Union Street. On December 16, he entered into an agreement to purchase a home which would be ready for occupancy on February 16, 1976.

The disbursing officer states in relevant part:

"2. * * * Payment of temporary quarters subsistence expenses for the period 21 October 1975 through 19 November 1975 is considered doubtful, as his [Mr. Corrao's] household goods were delivered to a permanent type address * * *."

"3. A decision is requested to determine if Mr. CORRAO is entitled to temporary lodging expenses during the period 24 October through 19 November 1975."

The authority for the payment of TQSE incident to a permanent change of station is contained in 5 U.S.C. § 5724a. Implementing regulations are found in part 5, chapter 2 of the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973). For civilian employees of the military, agency regulations are contained in Volume 2 of the Joint Travel Regulations (2 JTR) and were under paragraphs C8250-C8255 of 2 JTR at the time in question.

Paragraph 2-5.2c of the FTR provides:

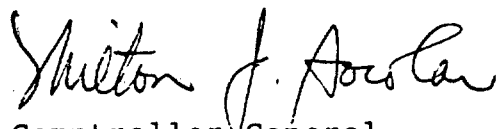
"What constitutes temporary quarters.
The term 'temporary quarters' refers to any lodging obtained from private or commercial sources to be occupied temporarily by the employee or members of his immediate family

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who have vacated the residence quarters in which they were residing at the time the transfer was authorized."

What constitutes temporary quarters must be based on the facts in each case. James R. Drayer, B-185983, September 17, 1976, citing B-183829, January 2, 1976; and B-182107, February 4, 1975. In reaching a determination as to what constitutes temporary quarters we have considered such factors as movement of household effects into the quarters, the duration of a lease, the period of residence in the quarters by the employee, any expression of intent, and attempts to secure a permanent dwelling. Myroslaw J. Yuschishin, B-194073, June 18, 1979. An employee who rents temporary quarters from a relative may be reimbursed reasonable rental and subsistence charges. Lyle S. Miller and Watkins L. George, 52 Comp. Gen. 78 (1972). An employee's entitlement to TQSE terminates when he occupies a permanent residence. James J. Roch, 53 Comp. Gen. 508 (1974); see FTR, para. 2-5.2f (May 1973). Likewise, an employee's entitlement to TQSE would terminate when he obtains permanent quarters into which he could move. See FTR, para. 2-5.2d (May 1973). Here, Mr. Corrao moved into the apartment at his grandmother's when it became vacant on December 1. He could not have moved there before then.

On the record, Mr. Corrao is entitled to receive TQSE from October 21 to November 19, 1975, if otherwise correct.



For The Comptroller General
of the United States