

DECISION



19741 *Shanks*
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-203645

DATE: October 9, 1981

MATTER OF: Paul L. Guidry - Reimbursement for
Travel and Relocation Expenses

- DIGEST: 1. Employee who was permanently transferred from Paris, France, to Washington, D.C., is not entitled to reimbursement for spouse's house-hunting trip or real estate expenses since both old and new official stations were not located in the United States, its territories or possessions.
2. Employee transferred from Paris, France, to Washington, D.C., is entitled to 30 days' temporary quarters subsistence expenses, whether he uses private or commercial facilities, provided that claimed expenses are reasonable and were actually incurred. Since his occupancy of temporary quarters began within period required by FTR para. 2-4.2e, employee may be reimbursed for last rather than first 30 days of 45-day period during which he and his family stayed in temporary quarters.

This action is in response to a request by the Acting Director of the Office of Management and Administration, U.S. Travel Service, Department of Commerce, for an advance decision concerning the entitlement of Mr. Paul L. Guidry, an employee of the Travel Service, to reimbursement for travel and relocation expenses incident to a permanent change of station from Paris, France, to Washington, D.C. Mr. Guidry has raised several questions concerning his entitlement to travel expenses to seek a new residence, real estate expenses, and temporary quarters subsistence expenses.

Initially, Mr. Guidry inquires whether he is entitled to reimbursement for (1) his wife's transportation from Paris to Washington, D.C., for the purpose of seeking a new residence, and (2) expenses incurred in the discontinuance of his former residence and the purchase of a new residence at his new official station. Reimbursement for transportation expenses to seek a new

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permanent residence at a new official station, and real estate expenses incurred in the sale of a residence at the former official station and purchase of a residence at the new station is authorized by 5 U.S.C. § 5724a(a)(2) and (4), which provides in pertinent part:

"(a) Under such regulations as the President may prescribe and to the extent considered necessary and appropriate, as provided therein, appropriations or other funds available to an agency for administrative expenses are available for the reimbursement of * * *

* * * * *

"(2) * * * Expenses of transportation to seek permanent residence quarters at a new official station when both the old and new stations are located within the continental United States. * * *

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"(4) Expenses of the sale of the residence * * * of the employee at the old station and purchase of a home at the new official station required to be paid by him when the old and new official stations are located within the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Canal Zone. * * *" (Emphasis added.)

These statutory provisions have been implemented in part by Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973), paragraphs 2-4.1 and 2-6.1(6), which similarly state that in order for an employee to be reimbursed for a house-hunting trip or for real estate expenses, the old and the new official stations must be located within the United States, its territories

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or possessions. See 54 Comp. Gen. 1006 (1975); Paul Peter Woronecki, B-192199, January 31, 1979; and Jan Unterzuber, B-193728, August 10, 1979.

Accordingly, there is no authority for reimbursement of the cost of Mr. Guidry's wife's house-hunting trip or of the real estate expenses incurred in connection with the sale of their former residence or the purchase of their new residence.

Mr. Guidry has asked whether he may claim reimbursement for the last rather than the first 30 days of the 45-day period during which he and his family occupied temporary quarters. In this connection, he has also inquired generally concerning his entitlement to temporary quarters subsistence expenses while occupying private quarters and when using commercial accommodations.

Payment of subsistence expenses of the employee and his immediate family while occupying temporary quarters in connection with a permanent change of station is authorized by 5 U.S.C. § 5724a(a)(3), as implemented by chapter 2, Part 5, of the FTR. Reimbursement for such expenses is statutorily limited to 30 days, except when the employee moves to and from Hawaii, Alaska, or territories or possessions of the United States. See FTR paragraph 2-5.2a. Since Mr. Guidry transferred from Paris, France, to Washington, D.C., he is only entitled to 30 days' temporary quarters allowances. 55 Comp. Gen. 1107, 1109 (1976) and B-192199, supra.

With respect to the amount of reimbursable temporary quarters subsistence expenses, FTR paragraph 2-5.4 provides in pertinent part:

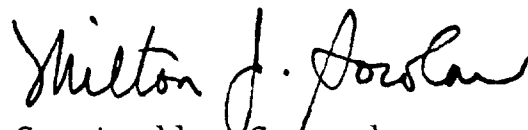
"(a) Actual Expenses Allowed.
Reimbursement shall be only for actual subsistence expenses incurred provided these are incident to occupancy of temporary quarters and are reasonable as to amount."

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The amount reimbursed may not exceed the maximums prescribed by FTR paragraph 2-5.4c and, as required by paragraph 2-5.4b, the claim must be supported by receipts for lodgings, laundry, and cleaning expenses. Other subsistence expenses, including meals, must be itemized. Reimbursement for lodging and subsistence expenses actually incurred is not precluded merely because the employee and his family occupy non-commercial temporary lodgings. Concerning reimbursement for temporary quarters and subsistence furnished by friends or relatives, such payments are permitted where the charges appear to be reasonable--that is, considerably less than commercial rates--and where the employee provides evidence that the claimed expenses were actually incurred by the host incident to the provision of temporary lodgings and meals on behalf of the employee and his dependents. See 52 Comp. Gen. 78 (1972) and Guy H. Carr, B-193130, May 3, 1979.

Paragraph 2-5.2(e) of the FTR requires occupancy of temporary quarters to begin not later than 30 days from the date the employee reports to his new duty station or, if not begun during this period, not later than 30 days from the date the family vacates the residence at the old official station. We have held that under FTR paragraph 2-5.2(f), the 30-day period shall be considered to run from the first day from which the claim for reimbursement is made, regardless of the fact that temporary quarters occupancy began prior to the period of time claimed, provided that the first day of the period claimed is within the period established by FTR paragraph 2-5.2(e) for beginning occupancy. Since Mr. Guidry's occupancy began 2 days after he reported for duty, he may claim and be reimbursed for the last rather than the first 30 days of the 45-day period that he and his family occupied temporary quarters. 48 Comp. Gen. 118 (1968); Ronald F. Brown, B-193412, August 3, 1979; and B-177842, March 27, 1973.

The questions concerning Mr. Guidry's entitlement to relocation expenses are answered accordingly.



Acting Comptroller General
of the United States