

**DECISION**

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

*Godfrey*  
*PLM*  
*11842.5*  
*21:34*

FILE: B-205866

DATE: May 18, 1982

MATTER OF: William E. Palzkill - Temporary Quarters  
Subsistence Expenses - Rental of Permanent  
Home

**DIGEST:**

Employee, who was transferred from Oklahoma City, Oklahoma, to Austin, Texas, moved into a residence in Austin which he had contracted to buy and which he subsequently did buy. Even though he did not incur househunting trip and household goods storage expenses, the fact that there may have been a savings to the Government is no basis to allow the employee reimbursement for temporary quarters subsistence expenses while living in the home he bought since those quarters were not temporary.

Ms. Elizabeth A. Allen, Chief, Accounting Section, Southwest Region, Internal Revenue Service (IRS), has requested a decision as to whether Mr. William E. Palzkill's claim for temporary quarters subsistence expenses may be certified for payment. Since Mr. Palzkill, an employee of IRS, did not occupy temporary quarters as defined by the Federal Travel Regulations, he is not entitled to reimbursement for temporary quarters subsistence expenses.

**FACTS**

Mr. Palzkill was transferred from Oklahoma City, Oklahoma, to Austin, Texas, and was authorized relocation allowances including 30 days temporary quarters, and a househunting trip. On July 24, 1981, Mr. Palzkill contracted to purchase a home in Austin. Incorporated into this contract was a provision that Mr. Palzkill could occupy the home from August 18, 1981, until the date of final closing for a rent of \$70 a day.

Mr. Palzkill did not make a househunting trip. On August 18, 1981, Mr. Palzkill moved his family to Austin where he lodged that night in a motel. On August 19, 1981, Mr. Palzkill moved into the residence which he had contracted to purchase and on September 9, 1981, final settlement on the property was in fact held.

ISSUE

Ms. Allen states that Mr. Palzkill's claim for temporary quarters is allowable for August 18, 1981, when he stayed at a motel, but she questions his claim for temporary quarters from August 18, 1981, through September 8, 1981, while he stayed in the house which he bought. Mr. Palzkill states that, although expenses for temporary quarters which become permanent are generally not reimbursable, he believes his situation warrants payment as he saved the Government money because he did not incur househunting expenses and temporary storage costs.

OPINION

Section 5724a(a)(3), title 5, United States Code (1976), is the statutory provision providing for reimbursement of temporary quarters subsistence expenses. Paragraph 2-5.2c of the Federal Travel Regulations (FPMR 101-7, May 1973), implementing the statute, defines temporary quarters as:

" \* \* \* 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."

We have consistently held that the determination of the type of residence occupied i.e., temporary or permanent, is based on the intent of the employee at the time he or a member of his family moves into the quarters which later become his permanent residence. Douglas D. Mason, B-196284, August 14, 1980. When an employee moves into a house he has decided to purchase, even though final settlement for the house has not yet taken place, he has ceased to occupy temporary quarters. This is so even though the occupancy of the purchased quarters results in a savings to the Government. Douglas D. Mason, above; Edwin Bosaw, B-201861, April 1, 1981.

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Accordingly, Mr. Palzkill is not entitled to be reimbursed for temporary quarters subsistence expenses from August 19, 1981, through September 8, 1981, when he was occupying the house that became his permanent quarters.

*Milton J. Rowland*  
for Comptroller General  
of the United States