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DECISION

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

FILE: B-211295 **DATE:** March 26, 1984

MATTER OF: F. Leroy Walser - Relocation Benefits Following Intergovernmental Personnel Act Assignment

DIGEST:

1. After completing his Intergovernmental Personnel Act (IPA) assignment in Fullerton, California, an employee and his family moved to Provo, Utah. Their subsequent return travel to Washington, D.C., began in Provo and was routed through Yucaipa, California, for the employee's personal convenience. Agency properly reduced employee's mileage claim to distance between Fullerton and Washington, D.C., since 5 U.S.C. § 3375, authorizing travel and transportation expenses in connection with IPA assignments, limits reimbursement for return travel performed by an employee and his family to the constructive cost of travel between the assignment location and the employee's permanent duty station. Employee may, however, be allowed additional mileage to avoid inclement weather.

2. Employee returned to permanent duty station following an IPA assignment and was authorized temporary quarters subsistence expenses for himself and his family. He reclaims amount of meal expenses disallowed by his agency as unreasonable under the Federal Travel Regulations because claimed costs exceeded average costs in valid statistical reference. Employing agency has initial responsibility to determine reasonableness of temporary quarters claimed. Where agency has exercised that responsibility, GAO will not substitute its judgement for that of the agency in the absence of evidence that the agency's determination was clearly erroneous, arbitrary, or capricious.

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3. Employee returned to permanent duty station following an IPA assignment and was authorized temporary quarters subsistence expenses for himself and his family. He reclaims $15 per day for lodging in the home of a relative. Agency had reduced amount claimed to $10 per day, based on a voucher previously withdrawn by the employee. While employing agency has initial responsibility to determine reasonableness of temporary quarters claimed, such a determination may not be made arbitrarily and without adequate information to justify the amount arrived at. We find agency's reduction of amount claimed by employee to be without adequate justification. Agency should make new determination of reasonableness based on standards set forth in 52 Comp. Gen. 78 (1972).

4. Employee boarded his son at location of former residence after employee and his family had returned to permanent duty station following an IPA assignment. Since employee has not submitted evidence of payment of the amount claimed and has not described the circumstances surrounding his son's lodging, he has not met his burden of proving liability on the part of the Government. 4 C.F.R. § 31.7 (1983). Accordingly, the claim for his son's lodging expenses is disallowed.

5. Employee who returned with his family to permanent duty station following an IPA assignment claims a $200 miscellaneous expense allowance. The provisions of 5 U.S.C. § 3375(a)(5) (Supp. III 1979), added by the Civil Service Reform Act of 1978, specifically authorize reimbursement for

miscellaneous expenses incurred in connection with IPA assignments if the employee's change of station involves movement of household goods. Since the employee shipped household goods, he may be allowed a $200 miscellaneous expense allowance as provided under para. 2-3.3a of the Federal Travel Regulations.

6. Employee who returned with his family to permanent duty station following an IPA assignment claims reimbursement for the expense of renting a tow bar used to transport a second automobile to official station. The expense is not reimbursable since para. 2-3.1b of the Federal Travel Regulations, FPMR 101-7 (May 1973), defining allowable miscellaneous expenses, does not authorize reimbursement for the rental of a tow bar. Furthermore, the employee was not authorized to transport a second automobile to his permanent duty station.

Mr. Lawrence D. Miller, an authorized certifying officer of the U.S. Department of Education, requests a decision concerning the entitlement of Mr. F. Leroy Walser to expenses he incurred in returning to his permanent duty station in Washington, D.C., following the completion of an assignment under the Intergovernmental Personnel Act at California State University in Fullerton, California. Several of the expenses claimed by Mr. Walser were denied or reduced by the agency in accordance with the Federal Travel Regulations, FPMR 101-7 (May 1973) (FTR), and Mr. Walser has submitted a reclaim voucher for mileage expenses for his and his family's return travel by privately owned vehicle (POV) to Washington, D.C., temporary quarters subsistence expenses for himself and his family, a $200 miscellaneous expense allowance, and the cost of renting a tow bar to transport a second POV to Washington, D.C.

The authority for the assignment of personnel to or from state or local governments under the Intergovernmental

Personnel Act (IPA) is contained in 5 U.S.C. §§ 3371-3376 (1976). By virtue of 5 U.S.C. § 3372(b), that authority is extended to the assignment of personnel to or from institutions of higher education. Under the provisions of 5 U.S.C. § 3375, employees may be reimbursed for certain travel and transportation expenses incurred in connection with an IPA assignment. These expenses include travel and per diem to and from the assignment, transportation of the immediate family and household goods, per diem for the family to and from the assignment, and temporary quarters under the provisions of 5 U.S.C. §§ 5702 and 5704, 5724, 5724(a)(1), and 5724a(a)(3), respectively. See 5 U.S.C. § 3375(a). These expenses are payable in accordance with the instructions set forth in Federal Personnel Manual, Chapter 334, Subchapter 1-7, and the Federal Travel Regulations, implementing the specifically applicable provisions of Chapter 57, title 5, of the United States Code.

Applying the pertinent statutes and regulations, we will consider each of the items listed on Mr. Walser's reclaim voucher to determine what additional amounts, if any, may be allowed.

RETURN TRAVEL TO PERMANENT DUTY STATION

After Mr. Walser had completed his IPA assignment in Fullerton, California, in 1979, he moved his family to Provo, Utah, remaining in a leave-without-pay status for 1 year. By travel order dated December 3, 1980, he was authorized to travel with his spouse and infant child by POV at the rate of 12 cents per mile, from Provo, Utah, through Yucaipa, California, to Washington, D.C. Mr. Walser originally claimed reimbursement for mileage at the rate of 15 cents per mile for travel of 3,573 miles from Provo to Washington, D.C., via Los Angeles, California, for a total of $536.

The agency reduced the employee's mileage claim to 12 cents per mile in accordance with FTR para. 2-2.3b. That regulation states that when travel between duty stations is performed by POV, reimbursement for mileage is limited to 12 cents per mile where the employee and two members of the immediate family travel together. The agency also allowed only 2,625 of the 3,573 miles claimed by the employee, on

the basis that it was the shortest road mileage between Fullerton, California, and Washington, D.C., as shown by the Rand-McNally Standard Highway Mileage Guide.

Mr. Walser reclaimed reimbursement for mileage at the rate of 12 cents per mile for 3,569 miles, and he explained the additional miles as follows. In accordance with his travel orders, Mr. Walser traveled 846 miles from Provo, Utah, to Fullerton, California, where he states that he performed official business relating to his IPA assignment at California State University. Subsequently, Mr. Walser and his family traveled 2,723 miles from Provo to Washington, D.C. Although the usually traveled route between these two points (through the Rocky Mountains) is substantially shorter than route actually taken by the employee, Mr. Walser was advised by the highway patrol and weather service in Provo to travel by a more southerly route through Texas because of a heavy snow storm that was in progress at the time of his departure.

Under the statutes and regulations cited above, an employee who has completed an IPA assignment may be reimbursed expenses for his own and his immediate family's travel from a point of origin other than his assignment location, or to a destination other than his permanent duty station. However, reimbursement to the employee may not exceed the constructive cost of travel from the assignment location to the employee's permanent duty station, or other destination specified in the IPA agreement. See generally Jandhyala L. Sharma, 59 Comp. Gen. 105 (1979). Thus, the cost of travel performed by Mr. Walser and his family is limited to the constructive cost of travel between Fullerton, California, the location of the employee's IPA assignment, and Washington, D.C., his permanent duty station.

Mr. Walser, however, suggests that his travel expense entitlement is not limited to the constructive cost of travel between Fullerton and Washington, D.C. As indicated previously, he asserts that he and his family performed travel in accordance with his travel orders which authorized travel from Provo, Utah, to Washington, D.C., by way of Fullerton. He alleges that, while in Fullerton, he performed official business related to his IPA assignment.

Under FTR para. 1-2.5, travel performed by a route other than a usually traveled route between the authorized points of travel must be justified as officially necessary. When an employee, for his own convenience, travels by an indirect or circuitous route, reimbursement for such travel is limited to expenses the employee would have incurred had he traveled by direct route between the authorized points of travel. FTR 1-2.5(b). See also B-175436, April 27, 1972. The fact that an employee's travel orders authorize circuitous travel is not controlling in the absence of an administrative determination that such travel is officially necessary. Sydney Smith, B-193923, January 3, 1980; and B-178875, August 27, 1973.

The orders authorizing Mr. Walser and his family to travel from Provo, Utah, to Washington, D.C., routed such travel through Yucaipa, California, not Fullerton. The agency has advised us that the employee traveled to Yucaipa to visit a son attending college in the area, and that he did not perform official business on that trip. Since Mr. Walser routed his return travel to Washington, D.C., through Yucaipa for personal reasons, there is no basis for granting him a mileage allowance in addition to the 2,625 miles allowed for direct travel between Fullerton and Washington, D.C.

With regard to Mr. Walser's trip from Provo to Washington, D.C., we note that the direct distance based on the highway mileage guide is 2,070 miles which is within the limitation of 2,625 miles based on Fullerton to Washington, D.C., travel. However, because of inclement weather conditions, Mr. Walser traveled a more southerly route from Provo to Washington, D.C., which involved 2,723 miles. Where an employee adequately explains a deviation from the normal route, our Office has permitted reimbursement for mileage in excess of that shown in mileage tables. In particular, we have reimbursed employees traveling across country additional mileage where they chose a more southerly route to avoid adverse weather conditions. See Timothy F. McCormack, B-208988, March 28, 1983, citing 28 Comp. Gen. 708 (1949), and B-162662, November 8, 1967.

Based on our prior decisions, we hold that Mr. Walser may be reimbursed for 2,723 miles at a rate of 12 cents per mile for his travel from Provo to Washington, D.C.

TEMPORARY QUARTERS SUBSISTENCE EXPENSES

After arriving at his permanent duty station in Washington, D.C., Mr. Walser, his spouse, and infant child occupied temporary quarters at his brother's home from December 14, 1980, to January 12, 1981. The employee stated that, during the 30-day period, he incurred the following expenses for his and his family's subsistence and lodging:

Meal costs of $78.97 per day for 30 days	$2,369.10
Lodging expenses of $15 per day for 30 days	450.00
Laundry and drycleaning expenses	25.00
TOTAL	$2,844.10

However, Mr. Walser reduced his claim to $2,147.70, citing the requirements of FTR para. 2-5.4c which provides that an employee's temporary quarters entitlement is limited to the lesser of either the actual amount of allowable expenses incurred, or the amount computed under a formula providing for temporary quarters in 10-day increments at various percentage levels of the statutory maximum per diem rate for the locality at which the temporary quarters are located.

The agency reduced the employee's claim to $788.50, finding the amounts claimed for meals and lodging to be unreasonably high. Mr. Walser reclaims the amount of $1,359.20 deducted from his original claim, and claims an additional $100 for the expense of boarding one of his sons in Provo, Utah, after the family had vacated their residence there.

The specific items of expense reclaimed by Mr. Walser are addressed below.

Meal costs

Mr. Walser originally claimed meal expenses at the flat rate of $78.97 per day for each of the 30 days that he and his family resided at his brother's home. While a

signed statement furnished by the employee's brother indicates that the family took some meals at home and some meals at restaurants during the period of temporary quarters occupancy, the employee did not itemize or otherwise explain the basis for the meal expenses claimed.

The agency found the employee's claim for meal expenses at the rate of $78.97 per day to be unreasonably high, in view of a Bureau of Labor Statistics (BLS) report indexing urban family budgets for Autumm 1980. Selecting a higher budget of $7,377 per year, or approximately $20.21 per day, for a four-person family living in metropolitan Washington, D.C., the agency determined that the reasonable daily food expenditure for a three-person family, such as that of Mr. Walser's, was $15.45 (approximately three-quarters of the daily expenditure for a four-person family). On this basis, the agency allowed Mr. Walser meal expenses in the total amount of $463.50, representing $15.45 per day for each of the 30 days he and his family occupied temporary quarters.

Mr. Walser disputes the agency's determination regarding his entitlement to meal expenses, contending that the BLS standards relied upon by the agency are invalid. Citing guidelines issued by the Department of Education, he states that meal costs incurred by an employee on temporary duty travel who is authorized actual subsistence expenses are administratively regarded as reasonable if such costs do not exceed 45 percent of the prescribed daily limit. On this basis, he contends that he is entitled to be reimbursed for his meal expenses at the daily rate of $33.75 (45 percent of $75, the actual expense rate for Washington, D.C.) for each of the 30 days he occupied temporary quarters. He further states that, in accordance with the provisions of FTR para. 2-5.4c, he is entitled to be reimbursed at the rate of $22.61 per day for meal expenses incurred by each of the two family members occupying temporary quarters with him.

Meal expenses as computed by Mr. Walser, when added to lodging expenses claimed in the amount of $450, total $2,819.10. Since that amount exceeds $2,147.70, the amount the employee believes is the maximum amount of temporary quarters allowable to him under the provisions of FTR para. 2-5.4c, he has limited his claim for meal costs and lodging expenses to $2,147.70.

Under the provisions of 5 U.S.C. § 5724a(a)(3), as implemented by Chapter 2, Part 5 of the FTR, a transferred employee may be reimbursed subsistence expenses for himself and his immediate family for a period of up to 30 days while occupying temporary quarters. Under FTR para. 2-5.4b, actual expenses are required to be itemized in a manner prescribed by the head of the agency that will permit at least a review of amounts spent daily for lodging, meals, and other items. Although the regulations do not require a meal-by-meal statement of costs, they do require that actual amounts spent be shown. Thus, while average estimated meal costs are not generally held to be acceptable, claims have been allowed on the basis of such estimates where the expenses claimed are reasonable and are based on actual expenditures. Michael Yanak, B-204185, December 15, 1981; and Eugene R. Pori, B-198523, October 6, 1980.

It is the responsibility of the employing agency, in the first instance, to determine that subsistence expenses are reasonable. Where the agency has exercised that responsibility, our Office will generally not substitute its judgement for that of the agency, in the absence of evidence that the agency's determination was clearly erroneous, arbitrary, or capricious. Jesse A. Burks, 55 Comp. Gen. 1107 (1976); reconsidered and amplified, 56 Comp. Gen. 604 (1977).

The fact that meal expenses claimed by an employee are within the maximum amounts specified in FTR 2-5.4c does not automatically entitle him to reimbursement. See Burks, cited above. Rather, an agency's evaluation of the reasonableness of amounts claimed must be made on the basis of the facts in each case. 52 Comp. Gen. 78 (1972). To assist agencies in making an independent determination as to the reasonableness of claimed subsistence expenses in a given case, we have stated that the information published by BLS provides an objective and readily available indication of reasonable expenditures for subsistence by families in certain geographical locations. When the expenses incurred by an employee appear unreasonable, an adjustment for reimbursement purposes may be made by reference to such information. 56 Comp. Gen. 604, cited above.

In keeping with the foregoing principles, the agency reduced the amount allowable for meals from the $2,369.10 amount (representing $78.97 per day) originally claimed by Mr. Walser to a total of $463.50 (representing $15.45 per day). Specifically, the agency found that the meal expenses claimed were unreasonable, based on statistical guidelines and budget data furnished by BLS. Applying those guidelines, the agency determined that the reasonable daily food expenditure for a three-person family, such as that of Mr. Walser's, would be $15.45 per day.

Mr. Walser has not demonstrated that the agency's evaluation of his original claim was clearly erroneous, arbitrary, or capricious. While he claims that his entitlement to meal expenses should be based on the rate applicable to temporary duty travel, as prescribed by agency guidelines, that rate has no bearing on an employee's entitlement to relocation allowances, such as temporary quarters, which are payable in connection with a permanent change of station. See generally 55 Comp. Gen. 1337 (1976). Furthermore, as discussed above, the fact that expenses claimed by the employee may be within the maximum amount allowed under FTR 2-5.4c does not entitle him to be reimbursed for temporary quarters at the maximum rate, since the reasonableness of claimed subsistence expenses depends upon the facts in each case.

Accordingly, we find that the agency's decision to reduce Mr. Walser's claim for meal expenses on the basis of budget data furnished by BLS was not clearly erroneous, arbitrary, or capricious. Therefore, this Office has no reason to substitute its judgement for that of the agency regarding the reasonableness of that portion of Mr. Walser's claimed subsistence expenses.

Lodging Expenses

The agency reports that Mr. Walser initially claimed lodging expenses at the rate of $10 per day for the 30 days he and his family occupied temporary quarters. The employee withdrew this voucher, subsequently increasing his lodging expense claim to $15 per day. In support of his claim for lodging expenses at the higher rate, the employee provided the agency with his brother's signed statement that the employee and his family occupied the basement of his home during the 30-day period, that he received a total payment of $450 ($15 per day) for such lodging, and that the sum of $450 included costs attributable to the following services:

"* * * Because the basement of our home is colder by several degrees than the upstairs, and because the baby needed extra warmth, we had to set the thermostat at a much higher setting than normal. Also, the extra washing, particularly baby diapers, bathing, cooking, and dishwashing required the use of significant amounts of additional water. Extra lighting expenses were also incurred.

"In addition, I installed a wall, closet and door to partition the recreation room to provide privacy for Mr. Walser, and his family, which wall, door and closet I now intend to remove. Mr. Walser also stored a large amount of personal belongings in my garage, and parked both of his automotive vehicles which he brought across the country in my driveway, and in the street in front of my house. * * *"

The agency allowed Mr. Walser reimbursement for lodging in the amount of $300, having had approved his original voucher claiming lodging expenses at the rate of $10 per day. While the agency indicates that it considered the amount initially claimed to be reasonable, it has not furnished any explanation as to the profile of the original voucher that was submitted and subsequently withdrawn by Mr. Walser. The agency states that it considered the employee's adjusted claim of $15 per day to be unreasonable, referring to our decisions disallowing reimbursement for lodging with friends or relatives where the employee has failed to demonstrate that his host incurred additional expenses as the result of his stay.

Mr. Walser reclaims lodging expenses in the amount of $450, contending that the amount paid to his brother is reasonable and resulted in substantial savings to the Government. In this regard, he states that the average monthly cost of renting a suitable furnished apartment in Washington, D.C., would have been $650.

While reimbursement for charges for lodging and related services supplied by friends or relatives may be allowable,

we have consistently held that what is reasonable depends upon the circumstances of each case. Richard E. Nunn, 58 Comp. Gen. 177 (1978). Factors such as an increase in the use of utilities, hiring of extra help, and extra costs incurred by the relative or friend are to be taken into consideration. 52 Comp. Gen. 78, cited above. The onus is on the claimant to provide sufficient information to enable the employing agency to determine the reasonableness of his claim, and it is not enough to show that the amount is less than the commercial rate or the maximum rate allowable under the regulations. James W. Clark, B-193331, April 25, 1979, and decisions cited therein. We have stated that it is the responsibility of the employing agency, in the first instance, to insure that expenses are reasonable. 55 Comp. Gen. 1107, above. However, even though the determination of what is reasonable is primarily the responsibility of the employing agency, the agency may not make such a determination arbitrarily and without adequate information to justify the amount arrived at. Gene R. Powers, B-206706, May 23, 1983; and Gordon S. Lind, B-182135, November 7, 1974.

As indicated previously, the agency, without explanation, determined that Mr. Walser's original claim of $10 per day for temporary quarters was reasonable. The agency, however, found that his increased claim for lodging expenses at the rate of $15 per day was excessive, apparently determining that the employee had not submitted adequate documentation to support payment of the higher amount. While it may be that Mr. Walser's claim for lodging expenses in the amount of $450 is unreasonable, we find the agency's reduction of that amount to $300, the amount claimed on a previously withdrawn voucher, to be without adequate justification. Accordingly, the agency should reevaluate its determination of reasonableness regarding the lodging expenses claimed and make any appropriate adjustment in accordance with the standards outlined above.

Expenses for Son's Lodging at Former Residence

Mr. Walser claims an additional $100 for the expense of boarding his high-school age son in Provo, Utah, after the family had vacated their residence there. He asserts that the lodging arrangement was necessary to enable his son to finish the school semester, and that, under the FTR, an

employee may occupy temporary quarters at one location while members of his immediate family occupy temporary quarters elsewhere.

The employee has not submitted a receipt, canceled check, or any other evidence that he paid the amount claimed. While Mr. Walser asserts generally that his son stayed at a house different from the one vacated by the family, he has not furnished any description of the circumstances under which his son's lodging was provided. Consequently, the employee has not met his burden of proving liability on the part of the Government. See 4 C.F.R. § 31.7 (1983).

Accordingly, Mr. Walser's claim for his son's lodging expenses may not be allowed on the basis of the present record.

MISCELLANEOUS EXPENSES

Mr. Walser claims a miscellaneous expense allowance of $200 in connection with the completion of his IPA assignment in Fullerton, California, and his return travel to his permanent duty station in Washington, D.C. Additionally, he claims reimbursement in the amount of $86.93 for the rental of a tow bar used to transport a second POV from Provo, Utah, to Washington, D.C.

It is the agency's position that the $200 miscellaneous expense allowance claimed by Mr. Walser may not be paid under 5 U.S.C. § 3375(a), the provisions of which list the relocation expenses which are reimbursable in connection with IPA assignments. However, section 3375(a) was amended by section 603(f) of Public Law 95-454, October 13, 1978, 92 Stat. 1111, 1191, to authorize payment of a miscellaneous expense allowance related to a change of station where movement of household goods is involved. See 5 U.S.C. § 3375(a)(5) (Supp III 1979).

Regulations implementing 5 U.S.C. § 5724a(b), set forth in FTR para. 2-3.3a, provide that miscellaneous expenses may be reimbursed to an employee with an immediate family in the amount of $200, without support or documentation of those expenses.

The travel orders authorizing Mr. Walser and his family's return travel and transportation to Washington, D.C., allowed shipment and temporary storage of household goods. The agency has advised us that the employee transported household effects from Provo, Utah, to Washington, D.C., and was reimbursed for expenses incurred in the shipment. Since Mr. Walser's change of residence from Provo to Washington, D.C., involved the movement of household goods, he is, under the terms of 5 U.S.C. § 3375(a)(5), entitled to be paid a miscellaneous expense allowance of $200, the minimum amount allowed him under FTR 2-3.3a.

Mr. Walser is not entitled to additional reimbursement for the $86.93 he paid for rental of a tow bar used to transport a second POV from Provo to Washington, D.C. The provisions of FTR para. 2-3.1b, describing allowable miscellaneous expenses, do not specifically authorize reimbursement for rental of a tow bar, and, furthermore, the agency did not authorize Mr. Walser to transport a second automobile from Provo to Washington, D.C. Accordingly, his claim for additional miscellaneous expenses in the amount of $86.93 may not be paid. See Karen P. Galloway, B-183195, June 1, 1976.

Accordingly, Mr. Walser's claims may be settled consistent with this decision.

for Milton J. Socolar
Comptroller General
of the United States