



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Robert E. Long  
File: B-222338  
Date: November 25, 1986

### DIGEST

1. Under the Federal Travel Regulations, claims by transferred Government employees for temporary quarters subsistence expenses must be for a period beginning no later than (1) 30 days after they report for duty at their new duty station or (2) 30 days after they vacate their permanent residence at their old duty station, whichever is later. In this case, a transferred employee vacated his residence at his old duty station in Biloxi, Mississippi, and subsequently reported for duty at his new station in Richmond, Virginia, on April 9, 1980. He may not be allowed temporary quarters subsistence expenses commencing on July 13, 1980, based on a visit made by his estranged wife to Richmond beginning on that date, since by then the eligibility period prescribed by regulation for such expenses had elapsed. In addition, he is not entitled to miscellaneous relocation expenses at the "immediate-family" rate of \$200 because his wife was not in his household.

2. An employee rented a room in the Veterans Administration hospital where he worked following his transfer from Biloxi, Mississippi, to Richmond, Virginia, in 1980. He continued the rental during his entire stay at the new duty station, and his claim for temporary quarters subsistence expenses based on his occupancy of the room was initially denied because it appeared that the room had been his permanent residence rather than temporary quarters. He has produced new evidence that after occupying the room from April 9 to August 11, 1980, he moved into a permanent residence to which he transported his household goods from temporary storage, and that he kept the room at the hospital thereafter simply for occasional use. Consequently, in these particular circumstances the rented room may be considered to be temporary quarters rather than a permanent residence, and he is eligible for 30 days' temporary quarters subsistence expenses beginning within 30 days of April 9, 1980, when he reported for duty at the new duty station and began occupancy of the room.

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## DECISION

Mr. Robert E. Long, an employee of the Veterans Administration, requests reconsideration of his claim arising out of a permanent change-of-station transfer in 1980 for temporary quarters subsistence expenses and miscellaneous relocation expenses at the "immediate-family" rate of \$200.<sup>1/</sup> The new evidence he has submitted leads us to conclude that he is eligible for temporary quarters subsistence expenses commencing within 30 days of the date he reported to his new duty station. He is not authorized temporary quarters subsistence expenses claimed, however, covering both him and his wife during a later period commencing on the first day she visited the new duty station. Further, he is limited to the miscellaneous expenses at the single rate of \$100.

## BACKGROUND

Mr. Long changed his permanent duty station from Biloxi, Mississippi, to Richmond, Virginia, on April 9, 1980.<sup>2/</sup> He immediately occupied a room in the Richmond Veterans Administration Medical Center at a rental rate of \$2.65 per day. He had been living apart from his wife while he was stationed in Biloxi, but traveling from the family home in Great Falls, Virginia, she rejoined him in Richmond on July 13, 1980. Mr. Long advised us that after a 5-day stay at a motel in Richmond his wife returned to Great Falls on July 18, 1980, to live with relatives. Mr. Long continued to maintain the room at the Veterans Administration Medical Center, but he now indicates that he moved into a house in Richmond on August 12, 1980, after transporting his household goods to the house from temporary storage. Although he reported to us that his wife later returned to Richmond and stayed perhaps 2 or 3 weeks, they essentially remained separated and subsequently divorced.

Mr. Long was initially paid \$946.96 in temporary quarters subsistence expenses covering the 30-day period beginning July 13, 1980, as well as \$200 as a miscellaneous expense

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<sup>1/</sup> This action is in response to Mr. Long's request under 31 U.S.C. § 3702 and 4 C.F.R. Part 32 for reconsideration of our Claims Group's settlement of his claim in this matter.

<sup>2/</sup> The original report from the agency on this matter indicated that Mr. Long was transferred to Hampton, Virginia, in July 1980, but the record now establishes that he remained at Richmond until July 1981 when he was transferred to Hampton.

allowance for relocating his family. The 30 days of temporary quarters subsistence expenses claimed for the period between July 13 and August 11, 1980, were for his wife's 5 days' motel lodging, his room rental for 30 days at the Richmond Veterans Administration Medical Center, and the purported meal costs of him and his wife for 30 days. A subsequent review of his claim for relocation expenses revealed that he had continued to rent the room at the Veterans Administration Medical Center during his entire Richmond assignment. Veterans Administration finance officers therefore regarded the room to be a permanent residence rather than temporary quarters, and they concluded that in accordance with our decision Ronald L. Stukey, B-194126, August 23, 1979, he was not entitled to any temporary quarters subsistence expenses. The finance officers further found that he did not permanently relocate his family to Richmond, Virginia, and therefore they limited entitlement to miscellaneous expenses to \$100 (single rate) for moving himself only, rather than \$200 (immediate family rate) covering a family relocation. The Veterans Administration required him to refund \$100 of the miscellaneous relocation expenses previously paid, as well as the entire temporary quarters subsistence expenses of \$946.96.

Our Claims Group sustained the Veterans Administration's determination, and Mr. Long has requested our further review of the matter.

#### DISCUSSION

A maximum of 30 days' temporary quarters subsistence expenses for Mr. Long and his wife were payable only if they occupied temporary lodging in connection with the transfer. Reimbursement was justified for the duration temporary quarters were necessary to prepare for occupancy of a permanent residence. Federal Travel Regulations (FTR), paras. 2-5.1, 2-5.2, FPMR 101-7, May 1973 ed. (superseded), incorp. by ref., 41 C.F.R. § 101-7.003 (1980 ed.), in effect at the time of the transfer. We have consistently held that employees may not be reimbursed temporary quarters subsistence expenses during the period they occupy the residence in which they intend to remain, irrespective of the absence of household goods awaiting delivery to the residence.<sup>3/</sup> Ronald L. Stukey, supra. Consequently, the disallowance of temporary quarters subsistence expenses would have been proper if

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<sup>3/</sup> FTR para. 2-5.2c, November 1981 ed. (Supp. 4, August 23, 1982) was clarified to permit quarters eventually becoming permanent to be considered temporary quarters if the employee initially intended them to be temporary.

Mr. Long had occupied the room at the Richmond Veterans Administration Hospital Center as a permanent residence during his entire assignment in Richmond.

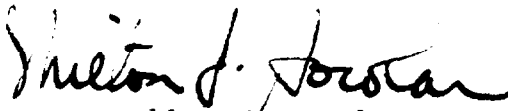
As indicated, however, Mr. Long has submitted new evidence showing that he used the room as temporary quarters until he moved into a house in August 1980. He has provided us a copy of the lease for the home as well as utility bills, a rent check, and correspondence with the realtor. Mr. Long explains in his correspondence that he continued to rent the room at the Veterans Administration Medical Center because of the uncertainty of his marital situation, because it was convenient when needed and inexpensive at \$2.65 per day. He states that he never intended to move his household goods there, because it was undersized and accommodated only a single size cot. Hence, since it now appears that Mr. Long occupied a house in Richmond beginning August 12, 1980, as a permanent residence, it is our view that his preliminary lodging in a room at the Richmond Veterans Administration Medical Center may be considered his temporary rather than permanent quarters.

Nevertheless, Mr. Long is not entitled to any temporary quarters subsistence expenses for either his wife or himself during the period from July 13 to August 11, 1980. Paragraph 2-5.2, FTR, requires occupancy of temporary quarters to begin not later than 30 days from the date the employee reports to the new duty station, or if not begun during this period, not later than 30 days from the date the employee's family vacates the residence at the old duty station. If the employee's family did not reside at the old duty station, the claim period and occupancy for temporary quarters subsistence expenses must commence within 30 days after the date the employee reports to the new duty station. Robert C. Kelly, B-189998, March 22, 1978. Clarence G. Menke, B-180748, October 3, 1974. Mr. Long vacated his residence in Biloxi and then reported for duty in Richmond on April 9, 1980, and the latest commencement date for temporary quarters subsistence expenses for both him and his wife therefore ended in May 1980.

In addition, we conclude that Mr. Long may not properly be allowed the "immediate-family" rate of \$200 for miscellaneous expenses, since he and his wife were not in the same household when he reported for duty in Richmond and she did not change her residence incident to his transfer. See Joe D. Brockman, B-184558, August 12, 1976. Hence, we conclude that

he was properly allowed a miscellaneous expense allowance at the "single rate" of \$100. See FTR para. 2-3.3.

On the basis of the new information presented, therefore, Mr. Long is eligible for reimbursement of additional amounts as temporary quarters subsistence expenses only for himself while he occupied temporary lodging at the Veterans Administration Medical Center in Richmond for a 30-day period commencing within 30 days of the date he reported for duty on April 9, 1980. This reimbursement will apparently be limited to the amount he has shown that he paid for renting a room for 30 days at the rate of \$2.65 per day, i.e. \$79.50, plus amounts he paid for his meals and other allowable expenses during such 30-day period.

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Comptroller General  
of the United States