



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Angelo N. Grandelli - Relocation - Temporary
Quarters Expenses - Children by Prior Marriage

File: B-226937.3

Date: June 22, 1989

DIGEST

Agency authorized 60 days temporary quarters subsistence expenses (TQSE) for transferred employee, his wife, and four children including two by prior marriage. After employee reported at new duty station, wife and four children entered temporary quarters at old station. Agency denied TQSE for two children of prior marriage because they did not join employee at new duty station following 60-day temporary quarters period. Employee's claim for their expenses is allowed because they were members of his household when he reported at new duty station and remained so for full 60 days. Their subsequent failure to join him at new duty station does not defeat his entitlement to authorized TQSE. See Federal Travel Regulations, paragraphs 2-1.4d and 2-5.2c.

DECISION

This decision is in response to a request by the Veterans Administration (VA)^{1/} for an advance decision concerning a reclaim submitted by Mr. Angelo N. Grandelli, an employee of the VA. He seeks to rescind a bill of collection for temporary quarters subsistence expenses (TQSE) paid him for two children of a former marriage who did not relocate with him to his new duty station. For the reasons stated below, the bill of collection may be rescinded.

BACKGROUND

By travel authorization dated January 12, 1988, Mr. Grandelli was authorized a permanent change of station from Bronx, New York, to Nashville, Tennessee. At the time that he was notified of the transfer, his two children from

^{1/} Mr. Conrad P. Hoffman, Director, Office of Budget and Finance (Controller). Reference (047G4).

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a previous marriage were residing with him, together with his present wife, and the two children of their marriage.^{2/} The travel authorization named his wife and the four children as the members of his immediate family for travel purposes. It authorized temporary quarters for 60 days and specified that his wife and children would occupy them in New York.

Mr. Grandelli reported for duty at his new station on or about February 1, 1988, and entered temporary quarters in Nashville. At the same time, his wife and four children entered temporary quarters in New York City. About 2 months later, his wife and two younger children joined him in Nashville and his two older children remained in New York with relatives to finish the school year. They did not move to Nashville upon completion of school, but moved to Virginia Beach to live with their mother.

Mr. Grandelli was reimbursed for TQSE for all listed family members for the 60-day period during which they stayed in New York. The VA, however, later determined that the payment for the two older children was improper since they did not relocate to Nashville and, therefore, were not part of the employee's household. Mr. Grandelli contends that the two children were part of his household at the time of transfer and their relocation to their mother's household occurred after he had transferred.

OPINION

The statutory basis for reimbursement of the temporary quarters expenses of the immediate family of a federal employee is contained in 5 U.S.C. § 5724a(a)(3). That authority is implemented in part 5 of chapter 2 of the Federal Travel Regulations (FTR) (Supp. 1, Sept. 1981).^{3/} FTR, para. 2-5.2c provides:

"c. . . . 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/her immediate family who have vacated the residence quarters in which they were residing at the time the transfer was authorized."
(Emphasis added.)

^{2/} Although his former wife had been awarded legal custody of the two children, they were living with Mr. Grandelli in New York by mutual agreement.

^{3/} Incorp. by ref., 41 C.F.R. § 101-7.003 (1988).

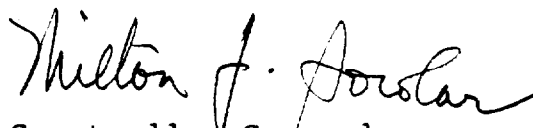
In FTR, para. 2-1.4d (Supp. 4, Aug. 1982), the term "immediate family" includes the employee's children who are unmarried, under 21 years of age, and members of the employee's household "at the time he/she reports for duty at the new permanent duty station. . . ."

Paragraph 2-5.2f of the FTR provides:

"f. . . . The employee may occupy temporary quarters at one location while members of the immediate family occupy quarters at another location. The period of eligibility shall terminate when the employee or any member of the immediate family occupies permanent residence quarters or when the allowable time limit expires, whichever occurs first."

All four of Mr. Grandelli's children meet the FTR's definition of "immediate family" since they were under 21 years of age and were members of his household in New York at the time he reported for duty in Nashville.

The regulations do not require the immediate family members to move to the new duty station when the employee reports for duty in order to be a member of the household. In fact, the FTR allows the employee and the immediate family to reside in temporary quarters at separate locations during the same period. See FTR, para. 2-5.2f quoted above. In this case, Mr. Grandelli reported for duty and resided in temporary quarters in Nashville while his wife and four children, all members of his household, resided in temporary quarters in New York during the 60-day period in question. When that time period expired, Mr. Grandelli's wife and two younger children joined him in Nashville and he made other living arrangements in New York for the two older children so that they could complete the school year. The only period Mr. Grandelli claims reimbursement for is the 60-day temporary quarters period during February and March 1988. Since his two older children met all the requirements of "immediate family" of the employee during that period Mr. Grandelli is entitled to reimbursement for their temporary quarters subsistence expenses. Accordingly, the claim is allowed and the bill of collection may be rescinded.



Acting Comptroller General
of the United States