



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: John L. Reid - Temporary Quarters Subsistence  
Expenses - Vacating Residence  
File: B-227193  
Date: October 16, 1987

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### DIGEST

A transferred employee may be reimbursed for temporary quarters subsistence expense for himself and his family even though they returned to their old residence on weekends. The employee had for all intents and purposes vacated his residence at his old duty station since he had packed 90 percent of his household goods, which made it necessary that he and his family sleep on mattresses and eat their meals out. His return trips were merely for the purpose of preparing his house for sale and keeping his insurance in effect.

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### DECISION

This decision is in response to a request by an authorized certifying officer, Office of Finance and Management, National Finance Center, United States Department of Agriculture, for an opinion as to whether temporary quarters subsistence expenses may be paid to Mr. John L. Reid, an employee of the Soil Conservation Service. The issue we are presented is whether or not Mr. Reid vacated his residence at his old duty station so as to entitle him to reimbursement of temporary quarters for himself and his family. For the reasons that follow, we hold that he is entitled.

### BACKGROUND

Mr. Reid made a permanent change of station from Owensboro, Kentucky, to Princeton, Kentucky, in June 1986, and he was authorized 30 days temporary quarters for himself and his family. Mr. Reid subsequently filed a claim for temporary quarters for himself and his family for the period of June 14 to July 14, 1986, and he noted on the claim that no

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lodging was incurred on certain days since he and his family had returned to his old residence.

Mr. Reid's claim was denied by his agency on the basis that his family had not vacated the residence at the old official station and were therefore not considered to be occupying temporary quarters. Mr. Reid was advised to submit a new claim covering only his own expenses. Mr. Reid has again claimed the whole amount on the basis that he and his family had vacated the old residence since (1) he had packed over 90 percent of his household goods before traveling to his new station, (2) he and his family returned to the old residence on weekends to complete packing of his household goods and do temporary maintenance, and (3) it was necessary to return in order to keep his insurance in effect. Mr. Reid also says that he and his family had to eat their meals out because there were no cooking utensils available and that they slept on mattresses on the floor. The agency asks us if these facts constitute an intent to vacate and entitle Mr. Reid to temporary quarters for this period.

#### OPINION

Under 5 U.S.C. § 5724a(a)(3) (Supp. III 1985), an agency may pay subsistence expenses of the employee and his immediate family for an initial period of up to 60 days while occupying temporary quarters when the new official station is located within the United States. The term "temporary quarters" refers to lodging obtained for the purpose of temporary occupancy after vacating the residence occupied when the transfer was authorized. Federal Travel Regulations, para. 2-5.2(c) (Supp. 10, March 13, 1984), incorp. by ref., 41 C.F.R. § 101-7.003 (1985).

There is no definition of the word "vacate" in the travel regulations. However, we generally consider a residence to have been vacated by an employee or a member of his immediate family when that person ceases to occupy it for the purposes intended. In determining whether the family member has ceased to occupy a residence at his former duty station, we examine the action taken by an employee and his family before and after the departure from that residence. The focus of our inquiry generally has been whether, in

light of all the facts and circumstances, there is objective evidence of intent to vacate the former residence. Mere statements of an employee's professed intent are not sufficient by themselves to establish entitlement to temporary quarters. Michael F. Locke, B-221751, July 11, 1986.

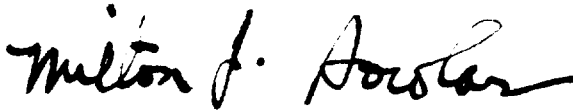
In John M. Mankat, B-195866, April 2, 1980, we denied reimbursement for temporary quarters for an employee's family since they returned to the old duty station after 1 week at the new duty station in order to prevent vandalism at the former residence. In that case, the residence at the old duty station was left fully furnished and the family was unsure of when it would be sold or when they could move into a new residence at the new station. In George L. Daves, B-215408, February 26, 1986, 65 Comp. Gen. 342, we considered the claim of an employee whose family joined him at the new duty station several months after he reported for duty, remained for 26 days, and then returned to their residence at the old duty station. In both Mankat and Daves we found a lack of intent on the part of family members to vacate the former residence. Since these family members had not vacated the former residence, we held that temporary quarters were not payable during their visits to the new duty station.

In Beverly L. Driver, B-181032, August 19, 1974, we allowed reimbursement for temporary quarters to an employee who settled on his house at his old duty station, packed his household goods, and was preparing to depart when he was notified that his moving van had broken down. The employee and his family slept on mattresses in the old residence for 4 days by special permission of the new owner and spent \$50 for meals. We allowed reimbursement in Driver on the basis that the employee had constructively vacated his old residence on the date he intended to leave.

We believe that Mr. Reid has provided sufficient evidence to support an inference of intent on the part of himself and his family to vacate their old residence. Most of our cases in this area involve a short visit by the family to the employee's new duty station followed by their subsequent return to their old residence. In this case, Mr. Reid and

his family remained together for the entire period, including the return trip on weekends. Thus, there is no indication that travel was performed merely for the sake of a visit. Further, Mr. Reid has provided cogent reasons for his return with his family to his old duty station on weekends. He states that it was necessary for him to prepare his house for sale by performing necessary maintenance and to keep his insurance policy in effect until he could move his household goods. Finally, as in Driver, supra, Mr. Reid had packed 90 percent of his household goods, and this made it necessary that he and his family sleep on mattresses and eat their meals at a restaurant. Mr. Reid had for all intents and purposes vacated his residence at his old duty station since it was no longer suited for permanent residence.

Accordingly, Mr. Reid may be reimbursed for temporary quarters for himself and his family for the period from June 14 through July 14, 1986, if otherwise allowable.

A handwritten signature in black ink, reading "Milton J. Fowler". The signature is written in a cursive style with a prominent initial "M".

Acting Comptroller General  
of the United States