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The Comptroller General  
of the United States

Washington, D.C. 20548

# Decision

Matter of: Albert J. Ferraro - Reimbursement of Temporary  
Quarters Subsistence Expenses  
File: B-227497  
Date: October 30, 1987

## DIGEST

A transferred employee stayed with a relative near his new duty station and delayed occupying temporary quarters pending the arrival of his family. The employee's family decided not to move to his new duty station, and the employee then made a claim for temporary quarters subsistence expenses for a 30-day period which occurred nearly 2 years after his transfer. Paragraph 2-5.2e of the Federal Travel Regulations requires that in order to qualify for temporary quarters reimbursement, occupancy must begin not later than 30 days after reporting for duty or not later than 30 days after the family vacates the residence at the old station. Where there is no delayed travel by the family, temporary quarters may not be paid unless the occupancy of temporary quarters commences within 30 days after the employee reports for duty.

## DECISION

This decision is in response to a request from the Director, Office of Budget and Accounting (Comptroller), Veterans Administration. It concerns the entitlement of an employee to be reimbursed for temporary quarters subsistence expenses incident to a permanent change of station in July 1983. The claim as presented may not be paid for the following reason.

## BACKGROUND

Mr. Albert J. Ferraro, an employee of the Veterans Administration, was transferred from Jacksonville, Florida, to St. Petersburg, Florida, with a reporting date of July 18, 1983. He was authorized travel for his spouse and dependent children, transportation of his household goods, real estate sale and purchase expense reimbursement, as well as temporary quarters for a period not to exceed 30 days.

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Upon his transfer to St. Petersburg, Mr. Ferraro stayed with his mother. His wife and family remained in Jacksonville in order that one of their children could complete the last year in high school. As a result, Mr. Ferraro delayed occupying temporary quarters until his family could join him in May or June of 1984. However, due to a change in plans associated with disposition of the residence in Jacksonville, he requested an extension of time to sell that residence. That, in turn, further delayed his family's travel and occupancy of temporary quarters in the St. Petersburg area.

It subsequently developed that Mr. Ferraro's family decided not to move to the St. Petersburg area. Thus, his reason for deferring occupancy of temporary quarters was no longer valid. However, since he did apparently incur meal expenses during this period of family indecision, Mr. Ferraro arbitrarily chose the period of April 8 through May 7, 1985, for temporary quarters reimbursement purposes.

His claim was disallowed by the agency on the basis that since his family did not join him, temporary quarters must begin within 30 days following transfer in order to qualify for reimbursement. He has appealed that disallowance, based on the unusual circumstances outlined above.

#### RULING

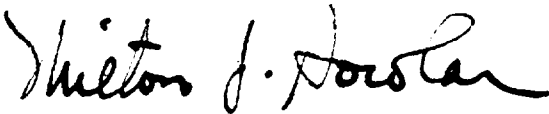
We concur with the agency disallowance of the claim as presented. Chapter 2, Part 5 of the Federal Travel Regulations, FPMR 101-7 (September 1981), incorp. by ref., 41 C.F.R. § 101-7.000 (1983) (FTR), implements the law authorizing temporary quarters expense reimbursement (5 U.S.C. § 5724(a)(3) (1982)). Paragraph 2-5.2e of the FTR establishes the time within which occupancy must be begun. It provides that occupancy must begin not later than 30 days after the reporting date or, if not begun then, within 30 days from the date the family vacates the residence at the old station, but not beyond the maximum time for beginning allowable travel and transportation (2 years).

We have ruled that if both conditions have been met, an employee may properly claim either the earlier period or the later period of temporary quarters occupancy, whichever will provide the greater reimbursement. Ronald H. Brown,

B-193412, August 3, 1979. However, where there is no delayed travel, temporary quarters may not be paid if the period of the claim began more than 30 days after the employee reports at his new station. Robert C. Woolfork, B-220129, January 29, 1986; Daniel J. Turner, B-211341, July 12, 1983.

In the present case, Mr. Ferraro reported for duty on July 18, 1983. Since his family did not move to St. Petersburg, the temporary quarters eligibility period available to him had to begin on or before August 16, 1983. Therefore, the agency action disallowing the period claimed (April 8 through May 7, 1985) is sustained.

Finally, we wish to point out that our decision would not preclude Mr. Ferraro from submitting a different claim for temporary quarters. We note that he began residing with a relative on July 18, 1983, and that he incurred no lodging costs. If he can establish that he incurred subsistence expenses for a 30-day consecutive period beginning not later than August 16, 1983, those expenses may be considered for reimbursement without being submitted here for additional review.

*for*   
Comptroller General  
of the United States