



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Christopher B. Bordeaux - Extension of Period of
Temporary Quarters

File: B-232111

Date: January 19, 1989

DIGEST

An employee of the Department of Defense was authorized a permanent change of station from Brussels, Belgium, to Washington, D.C., and shortly thereafter he transferred to the Department of Energy. His request for additional temporary quarters subsistence expenses beyond the 60 days authorized and paid for by Defense should be considered by Defense, the agency that authorized the permanent change of duty station.

DECISION

This request for an advance decision presents the question whether an employee of the Department of Energy (DOE) may have an extension of the period of temporary quarters subsistence expenses by that agency where the authorization and payment for a permanent change of station and 60 days of temporary quarters was made by the Department of Defense. We conclude that the Department of Defense should determine whether to authorize an extension of the 60-day period of temporary quarters.

BACKGROUND

On July 8, 1986, Christopher B. Bordeaux, an employee of the Department of the Army, returned to the United States from his assignment with the North Atlantic Treaty Organization (NATO) in Brussels, Belgium, pursuant to a permanent change of station. The Army authorized and paid for 60 days of temporary quarters. On July 12, 1986, Mr. Bordeaux's appointment was terminated by the Army, and effective July 14, 1986, he transferred to the Department of Energy (DOE). Upon the expiration of the approved 60 days of temporary quarters in September 1986, Mr. Bordeaux requested

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an additional 33 days of temporary quarters, but this request was denied by the Washington Headquarters Service, Department of Defense, which stated that DOE would now be responsible for granting any extension of the period of temporary quarters. The request from DOE questions whether DOE has the authority to extend a period of temporary quarters where the Department of Defense authorized and paid for the relocation expenses.

OPINION

The response of the Department of Defense to Mr. Bordeaux's request for additional temporary quarters would have been correct if, in fact, the relocation expenses incurred by Mr. Bordeaux had been the result of a transfer from the Army in Belgium to the Department of Energy in Washington, D.C. Section 5724(e) of title 5, United States Code (1982), provides that when an employee transfers from one agency to another, the agency to which the employee transfers, the gaining agency, pays the relocation expenses. However, the transfer from NATO in Belgium to Washington, D.C., was an intraagency transfer within the Department of Defense and not an interagency transfer like that contemplated in 5 U.S.C. § 5724(e). The authority cited by the Department of Defense also negates DOE's obligation to pay for extended periods of temporary quarters. Joint Travel Regulations (JTR) volume 2, para. C1052-2b(2)(c), provides that when an employee is transferred from an overseas activity to the continental United States, the receiving activity will bear the costs for temporary quarters subsistence expenses. Clearly, the Department of Energy was not the receiving activity in this transfer by DOD from NATO in Brussels to Washington, D.C.

With regard to the merits of Mr. Bordeaux's request for an additional period of temporary quarters, we note that para. C13004 of 2 JTR provides that temporary quarters may not be allowed for a period of time exceeding 90 days unless there exist compelling reasons beyond the control of the employee for extension of temporary quarters. Among the examples given is the situation in which the new permanent residence cannot be occupied because of unanticipated problems (i.e., delays in settlement on new residence, short-term delay in construction of a new residence, etc.) Mr. Bordeaux alleges that for precisely these reasons he and his family needed an additional 33 days of temporary quarters. He claims that the settlement date with regard to the purchase of his new home was delayed because of a lack of an occupancy permit and because construction of the house was not completed as anticipated.

There is no indication in the record before us that Mr. Bordeaux's request has been denied by the Department of Defense on the merits. Therefore, we remand the claim to the Department of Defense for a determination whether Mr. Bordeaux may be authorized an additional 33 days of temporary quarters in accordance with the guidance set forth in the JTR.


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