



The Comptroller General  
of the United States

Washington, D.C. 20548

140040

## Decision

Matter of: Paul G. Thibault - Relocation Expenses - Mileage,  
Per Diem, and Temporary Quarters Expenses

File: B-232503

Date: November 9, 1989

### DIGEST

1. A transferred employee claims reimbursement for 3,541 miles for relocation travel based on his odometer reading for the route he traveled. The claim is limited to 2,853 miles which represents the most reasonably direct point-to-point routing between his old and new duty stations based on a standard highway mileage guide.
2. Entitlement to relocation travel per diem under paragraph 2-2.3d(2) of the Federal Travel Regulations is not dependent on the actual distance the employee traveled each day. Per diem is allowed on the basis of the actual time used to complete the entire trip, not to exceed the number of days established by dividing the total authorized mileage by not less than 300 miles a day.
3. A transferred employee, while occupying temporary quarters at his new permanent duty station, was required to perform several days temporary duty away from that duty station. He retained his temporary quarters during that absence and seeks reimbursement as part of his temporary quarters subsistence expenses in addition to per diem received for his temporary duty. His claim for temporary quarters lodging expenses may be allowed if the agency determines that the employee acted reasonably in retaining those quarters. 47 Comp. Gen. 84 (1967); and B-175499, Apr. 21, 1972, are overruled.

### DECISION

This decision is in response to a request from an Authorized Certifying Officer, National Finance Center, Department of Agriculture.<sup>1/</sup> It concerns the entitlement of an employee of the Animal and Plant Health Inspection Service to be

<sup>1/</sup> W. D. Moorman, reference FSD-2 WDM.

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reimbursed certain travel and temporary quarters subsistence expenses incident to a permanent change of station.

#### BACKGROUND

Mr. Paul G. Thibault was transferred from Los Angeles, California, to Scotia, New York, and he traveled by privately owned vehicle to the new duty station during the period July 22 to July 29, 1987. Mr. Thibault claimed 3,541 miles for his mileage expenses, but the agency determined that, based on the Standard Highway Mileage Guide, the distance between Los Angeles, California, and Scotia, New York, was 2,808 miles, and reimbursed Mr. Thibault on that basis. Mr. Thibault contends that, since he was authorized to perform relocation travel by privately owned vehicle, and since no special route was indicated on his travel authorization, he could choose any route he desired and be reimbursed accordingly.

Mr. Thibault also claimed temporary quarters at his new duty station from August 16 to September 5, 1987. During this time, he performed temporary duty in Frankfort, Kentucky, for a period of 5 days, August 24 to 28, 1987. The agency denied his claim for lodging cost at his new duty station for the period August 24 to 28, 1987, on the basis that he could not be paid both temporary quarters and per diem expenses during the same period. Mr. Thibault contends that he retained his temporary lodging at his new duty station during his period of temporary duty for two reasons. First, he had to have a place to store the bulk of the belongings he carried with him when he relocated. Second, he was informed by the lodging manager that, if he gave up his room during his period of temporary duty, he might not be able to reacquire it or another room upon his return.

#### OPINION

Sections 5724 and 5724a of title 5, United States Code (1982), authorize the reimbursement of travel and transportation expenses incident to a permanent change of station. Among the expenses authorized are mileage, travel per diem, and temporary quarters subsistence expenses. The regulations governing these entitlements are contained in chapter 1, parts 4 and 7 and chapter 2, parts 2 and 5 of the Federal Travel Regulations (FTR).<sup>2/</sup>

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<sup>2/</sup> FTR (Supp. 1, Sept. 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1988).

## Mileage

The first question concerns Mr. Thibault's mileage reimbursement. Paragraphs 2-2.1 and 1-4.1a and b of the FTR state that use of a privately owned vehicle which is approved as advantageous to the government shall be reimbursed on a mileage basis for distances between points traveled as shown in standard highway mileage guides or actual miles driven as determined from odometer readings. Any substantial deviation from distances shown in the standard highway mileage guide shall be explained. Since the officially recognized mileage figure for automobile travel between Los Angeles, California, and Scotia, New York, is 2,853 miles, based on the use of interstate and U.S. highways whenever possible, Mr. Thibault should be reimbursed on that basis. We find no basis to allow Mr. Thibault the additional 688 miles he claims.

## Travel Per Diem

The next question concerns the proper way to calculate travel per diem since the mileage Mr. Thibault traveled each day varied significantly and on 2 days he did not travel a minimum of 300 miles as stated in FTR, para. 2-2.3d(2).

Paragraph 2-2.3d(2) of the FTR does not establish a requirement that an employee must actually travel 300 miles each day. It provides only that per diem will be allowed based on actual time used to complete the trip, but not to exceed the number of days established by dividing the total mileage by not less than 300 miles per day. Oscar Hall, B-212837, Mar. 26, 1984. In the present case, that means that a maximum of 9-3/4 days would have been authorized for travel. Since Mr. Thibault completed his journey in 7-1/4 days, his actual travel was well within that prescribed maximum, and he is entitled to per diem for those 7-1/4 days.

## Temporary Quarters Lodging Expenses

The last question is whether Mr. Thibault is entitled to receive the lodging portion of temporary quarters for the days he was performing temporary duty in Frankfort, Kentucky. The agency denied payment based on paragraph 2-5.2i of the FTR which provides:

"i. Duplication of other allowances. In no case shall subsistence expenses under these provisions be allowed which duplicate, in whole or in part, payments received under other laws or regulations covering similar costs . . . ."

Our decisions have held that when an employee is reimbursed for per diem for temporary duty away from his new permanent duty station where he is occupying temporary quarters, the employee may not be reimbursed for temporary quarters those same days. 47 Comp. Gen. 84 (1967); B-175499, Apr. 21, 1972. Our decisions have also held that the cited regulation does not preclude reimbursement for temporary quarters and per diem on the day of arrival at the new duty station so long as each claim is not for the same expense. Robert M. Crowl, B-193935, June 18, 1979; Nancy D. Doll, B-198357, Mar. 12, 1981.

It is clear that where per diem and temporary quarters entitlements overlap, in whole or in part, for the same expense on the same day and location, only one reimbursement may be made under FTR, para. 2-5.2i since to permit otherwise would result in a double reimbursement for a single expense. However, our decisions also suggest that where an employee reasonably incurs separate and distinct expenses on the same day but at different locations pursuant to official travel, a different conclusion regarding expense reimbursement may be reached.

Thus, in Milton J. Olsen, 60 Comp. Gen. 630 (1981), we considered a situation in which an employee incurred dual lodging expenses because, during a period of temporary duty at one location, he was required to perform several days temporary duty at a second location. Since he was scheduled to return to the first location at the conclusion of the temporary duty at the second location, he retained his lodging at the first location. Citing to 51 Comp. Gen. 12 (1971); Snodgrass and Van Ronk, 59 Comp. Gen. 609 (1980); and Rainey and Morse, 59 Comp. Gen. 612 (1980), we concluded that, if the agency determines that the employee acted reasonably in continuing to incur lodging costs at the first location, but was unable to occupy such lodging because of conditions beyond his control, he may be reimbursed for these lodging costs to the extent they would have been paid except for the interim temporary duty. Moreover, we held that the payment would be in addition to per diem or actual expenses payable for the travel actually performed.

By analogy, we believe the principle stated in Olsen is applicable here. Mr. Thibault was in temporary quarters for less than 2 weeks when he was ordered to perform a short period of temporary duty elsewhere. Since he actually incurred lodging costs at both locations, we do not consider the prohibition of FTR, para. 2-5.2i to be applicable and our decisions 47 Comp. Gen. 84, supra; and B-175499, supra, will no longer be followed. It is our view that if the agency should conclude that Mr. Thibault acted reasonably in

retaining temporary quarters at his permanent duty station, the expense of the lodging not occupied during the period August 24-28 would be appropriately reimbursable as temporary quarters subsistence expenses.

*Wilton J. Jordan*

Acting Comptroller General  
of the United States