



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Russell D. Hotchkiss - Reasonableness of
Temporary Quarters Lodging Expenses

File: B-233129

Date: July 5, 1989

DIGEST

A transferred employee who was traveling with his wife and 11-year-old son reclaims temporary quarters lodging expenses which were disallowed by the agency as unreasonable under the Federal Travel Regulations. We hold that the agency's determination to limit the employee's reimbursement to one motel room, which is not required by the applicable regulations, was arbitrary and capricious.

DECISION

This decision addresses the claim of Mr. Russell D. Hotchkiss for additional temporary quarters subsistence expenses.^{1/} We conclude that the agency erroneously determined that his lodging expenses were unreasonable under the circumstances, and we allow his claim for additional lodgings reimbursement.

BACKGROUND

Mr. Hotchkiss, an employee of the Bureau of Reclamation, was transferred from Pactola Dam, South Dakota, to Cody, Wyoming, and he filed a claim for temporary quarters subsistence expenses which included lodging in the amount of \$1,285.20 for the period January 20 through February 5, 1988. The agency disallowed one-half of his claim for lodging expenses, reimbursing him only \$642.60.

Mr. Hotchkiss and his family occupied two rooms in the Holiday Inn in Cody, Wyoming, while waiting to move into permanent quarters. The employee and his wife occupied one

^{1/} This decision was requested by Sandra L. Inglefield, Authorized Certifying Officer, Bureau of Reclamation, U.S. Department of the Interior.

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room and their 11-year-old son occupied a separate room. Mr. Hotchkiss contends that his son was placed in a separate room for medical reasons. The agency reduced his claim on the basis that the cost of the extra room was due to extenuating circumstances not directly related to the employee's relocation, and that it was, therefore, excessive, especially given the fact that Holiday Inn allows children under the age of 12 to stay in the same room with parents at no extra charge.

OPINION

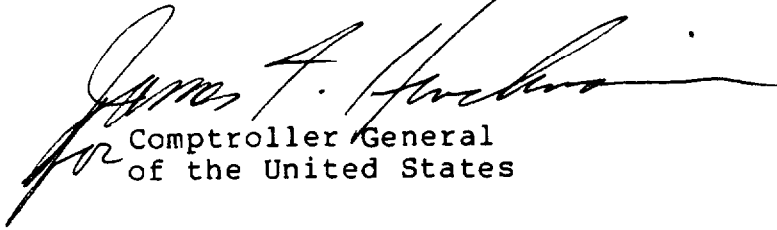
The authority to reimburse relocation expenses incurred by an employee is provided by Chapter 57 of title 5, United States Code (1982). Reimbursement of the subsistence expenses of employees while occupying temporary quarters is governed by the provisions of Chapter 2, part 5 of the Federal Travel Regulations (FTR), incorp. by ref., 41 C.F.R. § 101-7.003 (1987). These regulations authorize reimbursement only for the actual subsistence expenses incurred, provided they are incident to the occupancy of temporary quarters and are reasonable as to amount. FTR, para. 2-5.4a (Supp. 10, Mar. 13, 1984).

It is the responsibility of the employing agency, in the first instance, to determine whether claimed relocation expenses are reasonable in light of the circumstances of each case. In the absence of evidence that the agency's determination was clearly erroneous, arbitrary, or capricious, we will defer to the agency's determination. See Jesse A. Burks, 55 Comp. Gen. 1107 (1976). In this case, however, we conclude that the agency was arbitrary and capricious in its determination. Mr. Hotchkiss stayed at the Holiday Inn for 17 days, and pursuant to FTR, para. 2-5.4c, he was entitled to a daily rate not to exceed \$60 plus \$40 for his spouse and \$30 for his child under age 12, or \$130 per day. His total expenses each day averaged slightly over \$140 per day, and approximately one-half of that amount represented lodging expenses.

The FTR does not preclude an employee from utilizing separate rooms for children when occupying temporary quarters. Moreover, the employee's cost of lodging represents approximately one-half of the daily maximum rate and thus appears to be reasonable in amount. Therefore, we conclude that the employee did not incur unreasonable temporary quarters lodging expenses by allowing his 11-year-old son to occupy a separate room. The agency's determination to limit the employee's claim for reimbursement to the cost of one room per night appears arbitrary and capricious

in the absence of any requirement in the FTR that the employee and family occupy only one room.

Accordingly, Mr. Hotchkiss may be reimbursed for the additional cost of lodgings claimed during this period of temporary quarters, subject to the limitation on temporary quarters expenses under the maximum daily rate.


for Comptroller General
of the United States