



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: John D. Pearson

File: B-234343

Date: September 14, 1989

DECISION

The issues in this case are whether Mr. Pearson is entitled to temporary quarters and real estate expenses under the circumstances of his change of duty station. On November 3, 1983, Mr. Pearson and his former wife contracted to sell their residence, and title was conveyed on December 15, 1983. On December 20, 1983, the Department of Energy orally offered Mr. Pearson a transfer to another location, subject to his receipt of a "Q" clearance. Written orders to that effect were issued on December 27. On January 1, 1984, Mr. Pearson moved to different premises at his old duty station, where he incurred various expenses for which he has claimed reimbursement as temporary quarters subsistence expenses (TQSE) for the period ending January 30.

Due to a delay in obtaining the clearance, Mr. Pearson actually transferred to the new duty station on April 18, 1984, and remained in temporary quarters there until July 3. His original orders were amended on October 5, 1984, to authorize subsistence expenses not to exceed 30 days with provision for requesting additional time. Mr. Pearson did not request additional TQSE until May 31, 1988.

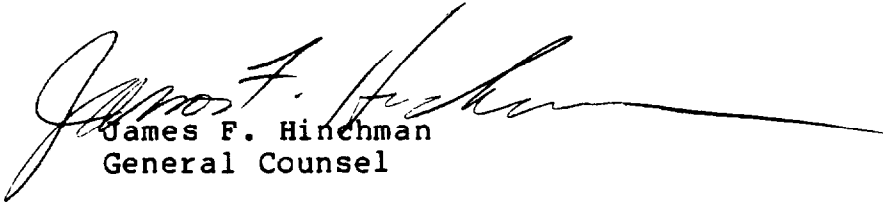
Mr. Pearson is not entitled to reimbursement for his real estate expenses since the sale of his former residence was not incident to his transfer but rather for personal reasons. The expenses were incurred on December 15, and we have no evidence of a clearly expressed and definite intention on the part of the agency to transfer Mr. Pearson prior to the December 20 verbal notification. See Federal Travel Regulations (FTR), para. 2-6.1 (Supp. 4, Aug. 23, 1982), incorp. by ref., 41 C.F.R. § 101-7.003 (1983); James R. Marron, 63 Comp. Gen. 298 (1984); Benjamin M. Johnson, B-229390, Sept. 14, 1988.

Likewise, Mr. Pearson is not entitled to reimbursement for the temporary quarters expenses he incurred between January 1-30, 1984. FTR, para. 2-5.2 requires that the

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employee necessarily occupy temporary quarters for reasons directly related to the employee's transfer. Here, Mr. Pearson's move to different premises at his old duty station was the result of the sale of his former residence for personal reasons, and therefore was not related to his transfer. See John E. Robbins, B-215055, Feb. 7, 1985; William H. Main, B-185727, Mar. 2, 1976.

DOE also asks whether TQSE could be retroactively approved for the period April 18 to July 3, 1984, and whether an additional 90 days temporary quarters could now be authorized at Mr. Pearson's old duty station. Retroactive approval of TQSE is permissible if consistent with agency policy and otherwise authorized by law. See Charles J. Klee, B-189489, June 7, 1978, and cases cited. For the reasons stated above, no such approval could be granted for the period Mr. Pearson remained at his old duty station. However, we would have no objection to retroactive approval of TQSE for the period April 18 to July 3 if consistent with agency policy and based upon an agency determination that there were compelling reasons for occupancy of temporary quarters during this period. See 5 U.S.C. § 5724a(a)(3) (1982); FTR, para. 2-5.2b.


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