



The Comptroller General  
of the United States

Washington, D.C. 20548

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## Decision

Matter of: Roger Patrick Watson - Temporary Quarters  
Subsistence Expenses - Delayed Travel by Employee

File: B-234721

Date: October 10, 1989

### DIGEST

A transferred employee claims temporary quarters subsistence expense (TQSE) reimbursement during a period when he was required to remain at his old duty station after his immediate family moved out of their residence, traveled to his new permanent duty station, and occupied permanent quarters at that location. His claim is denied. Paragraph 2-5.2f of the Federal Travel Regulations (Supp. 10, Nov. 14, 1983), provides, without exception, that a period of authorized TQSE terminates for a transferred employee and immediate family whenever the employee or any member of his family occupies permanent quarters in connection with the transfer. Glenn R. Dunavan, B-188005, May 19, 1977; Kenton L. Culbertson, B-188604, Feb. 14, 1978.

### DECISION

This decision is in response to a request from an Authorized Certifying Officer, Federal Bureau of Investigation (FBI), Department of Justice. It concerns the entitlement of an employee to be reimbursed temporary quarters subsistence expenses (TQSE) for himself incident to transfer after his immediate family occupied permanent quarters at his new duty station. We conclude that he may not be reimbursed, for the following reasons.

### BACKGROUND

Mr. Roger Patrick Watson, an employee of the FBI, was transferred from San Francisco, California, to Washington, D.C., and authorized TQSE incident to that transfer, not to exceed 60 days. Mr. Watson's family consisted of his wife and two dependent children, ages 11 and 12.

Mr. Watson and family vacated their residence in the San Francisco area on August 22, 1988, and entered temporary quarters. On September 1, 1988, Mrs. Watson and their two

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children concluded their move to the Washington, D.C., area when their household goods were delivered to their permanent residence at that location. Mr. Watson did not accompany them. He remained at his old permanent duty station in San Francisco until September 24, 1988, at the specific request of the Special Agent in Charge of the San Francisco Division.

He claimed TQSE for himself from August 22 through September 23, 1988, less the period August 27 through September 5, 1988, during which time he was performing temporary duty away from the San Francisco office. His TQSE claim for the period beginning September 6, 1988, was denied by the agency because his family had moved into permanent quarters on September 1, 1988, thus terminating TQSE entitlement for all. Mr. Watson has appealed that denial.

#### OPINION

The payment of subsistence expenses while occupying temporary quarters is authorized under 5 U.S.C. § 5724a(a)(3) (1982), and implementing regulations contained in chapter 2, part 5 of the Federal Travel Regulations, as amended by Supp. 10, November 14, 1983.<sup>1/</sup> Paragraph 2-5.2f of those regulations provides in part:

"f. Computation of eligibility period and termination. . . . The period of eligibility shall terminate when the employee or any member of the immediate family occupies permanent residence quarters. . . ."

Under the above language, occupancy of permanent quarters at the employee's new duty station by any member of the employee's immediate family terminates entitlement for all other members of the family not in occupancy. Glenn A. Dunavan, B-188005, May 19, 1977; Kenton L. Culbertson, B-188604, Feb. 14, 1978. See also Gerald G. Shockley, B-230848, Sept. 6, 1988. Cf. Ernesto L. Montoya, B-228623, Jan. 4, 1988.

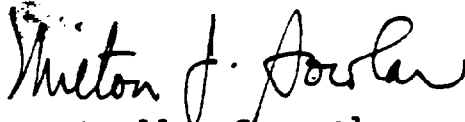
In Dunavan, supra, and Culbertson, supra, the terminating event for the employee's entitlement to TQSE at his old duty station was occupancy of permanent quarters by the employee's spouse and family at the employee's new duty station. The FTR does not make an exception for an employee whose occupancy of those permanent quarters is delayed

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<sup>1/</sup> Incorp. by ref., 41 C.F.R. § 101-7.003 (1988).

because he must remain at the old duty station and those  
decisions control Mr. Watson's entitlement here.

Accordingly, we sustain the agency action disallowing  
Mr. Watson's claim.

*for*   
Comptroller General  
of the United States