



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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B-179521

January 29, 1974

Mr. P. N. Moore
Authorized Certifying Officer
Regional Office, Region 2
Bureau of Reclamation
United States Department of the Interior
2800 Cottage Way
Sacramento, California 95825

Dear Mr. Moore:

Further reference is made to your letter of August 16, 1973, reference MP-363, 256, with enclosures, requesting our advance decision as to whether the attached voucher in the amount of \$477.07 in favor of Mr. James J. Roch, an employee of the Bureau of Reclamation, United States Department of the Interior, may be certified for payment under the circumstances hereinafter related.

Mr. Roch was authorized a change of official station from Bismarck, North Dakota, to Auburn, California, pursuant to Travel Authorization No. A-73-12, dated September 27, 1972. Among other things, the travel orders authorized [reimbursement for subsistence expenses] of Mr. Roch and his immediate family while occupying temporary quarters incident to the transfer.

The record indicates the employee, his wife, and four children arrived at their new duty station on November 2, 1972. They secured motel accommodations intending to move into their newly purchased permanent residence upon delivery of their household goods which had been promised on or before November 4, 1972. During the evening of November 3, 1972, they moved into their still unfurnished new permanent residence, which lacked cooking and laundry facilities, and slept there in sleeping bags. The next day they moved back into a motel, but returned to their house on November 5, where they remained until November 10, when again they moved into a motel. On November 12, 1972, they again occupied their residence where they remained. Their household effects were delivered on November 14, 1972. Mr. Roch claimed subsistence expenses for the period from November 2 through November 14, 1972, including lodging expenses for the days actually spent in a motel, contending that the family was residing in temporary quarters under camp-like conditions, until receipt of their household effects, which permitted them to establish a permanent residence. On

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his original voucher he was apparently reimbursed temporary quarters expenses for one and one-fourth days covering the period from his arrival at the new station until he first occupied his residence.

You seek an advance decision on the disallowed portion of the claim beginning on November 3, 1972, when Mr. Roch and his family first occupied their permanent residence, which period is covered by the reclaim voucher you attached.

Section 8 of Office of Management and Budget Circular No. A-56 Revised, August 17, 1971, in force at the time in question, governs subsistence expenses of employees and their families while occupying temporary quarters when an employee is transferred to a new official station. Subsection 8.2c defined temporary quarters as follows:

"c. What constitutes temporary quarters. Temporary quarters refers to any lodging obtained from private or commercial sources to be occupied temporarily by the employee and/or members of his immediate family who have vacated the residence quarters in which they were residing at the time the transfer was authorized."

In accordance with the above-quoted subsection of the OMB Circular we have consistently held that an employee may not be reimbursed for temporary quarters and subsistence expenses after he occupies the residence in which he intends to remain. We have nevertheless made exceptions to this policy when there is evidence in the record that the employee had reasonably demonstrated his intent to use the quarters on only a temporary basis. B-174648, January 18, 1972.

We believe the evidence in the present record indicates that Mr. Roch intended to use his unfurnished house on only a temporary basis. His intent was clearly manifested by the several moves he and his family made between the motel and the house. However, once Mr. Roch and his family permanently occupied the house on November 12, 1972, and manifested this intent by remaining there until the arrival of their household effects, two days later, his entitlement to temporary quarters and subsistence expenses ceased.

Accordingly, Mr. Roch would be entitled to temporary quarters and subsistence expenses claimed on his voucher in the amount of \$408.82.

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for the period 12:01 a.m., November 4, 1972, through 6 p.m., November 12, 1972. The employee's voucher is returned herewith and may be paid in accordance with the foregoing if otherwise correct.

Sincerely yours,

R.F.KELLER

: Deputy Comptroller General
of the United States

Enclosure