

DECISION

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

FILE: B-185514

DATE: SEP 2 1976 61435 098087

MATTER OF:

Douglas C. Staab - Temporary Quarters
Subsistence Expenses and Transportation of
Household Goods

DIGEST:

1. Transferred civilian employee of Corps of Engineers claimed temporary quarters subsistence expenses for wife and four dependents at location other than old or new duty station. Requirement of Joint Travel Regulations that occupancy of such quarters be directly related to employee's transfer is met when dependents vacate old residence and occupy temporary quarters until new residence is available. Administrative determination as to whether occupation of temporary quarters is necessary should be made on individual case basis in light of surrounding circumstances.
2. Employee transferred from Cincinnati, Ohio, to Anchorage, Alaska, may be reimbursed cost of moving household goods to dependents' temporary quarters at Kennewick, Washington. Reimbursement should not exceed cost of moving household goods from old to new duty station in one lot by Government Bill of Lading (GBL). When employee is transferred outside continental United States, household goods should be shipped by GBL although part of shipment is between points in continental United States.
3. Although Federal Travel Regulations (FTR) do not provide that lodging receipts in support of temporary quarters subsistence expenses must show location of temporary quarters and names of occupants, Joint Travel Regulations (JTR), Volume 2, may do so. FTR sets forth only minimum requirements and JTR may require information so that adequate review of amount claimed may be made.

This matter involves a request for an advance decision dated November 5, 1975, by M. E. Shields, an authorized disbursing officer, concerning the payment of relocation expenses claimed

by Douglas C. Staab, a civilian employee of the Department of Defense. Mr. Staab incurred expenses incident to his permanent change of official station from the Cincinnati, Ohio Office, Ohio River Division, of the U. S. Army Corps of Engineers to the U. S. Army Corps of Engineers, Alaska District, Anchorage, Alaska, by orders dated August 5, 1974. However, Mr. Staab submitted vouchers on which he claimed temporary quarters subsistence expenses (TQSE) for his wife and four children at Kennewick, Washington, and reimbursement for transportation of household goods to Pasco, Washington. This request was forwarded to us by the Per Diem, Travel, and Transportation Allowance Committee on November 28, 1975.

The record discloses that under travel order issued on August 5, 1974, Mr. Staab was to report at the new station on or about September 6, 1974. Incident to the transfer, delayed travel of dependents and two privately operated vehicles were authorized. In addition, the travel order authorized partial shipment of household goods to Pasco, Washington, under the commuted rate system and the balance to Anchorage, Alaska, by Government Bill of Lading (GBL). Mrs. Staab and the four children vacated the residence in Cincinnati on August 5 and traveled to Kennewick near Pasco. There they incurred subsistence expenses for the period August 11 through September 18, 1974, which the employee now claims. The employee vacated his old residence on August 5 or 6 but did not leave the Cincinnati area until about August 24, 1974. He arrived in Anchorage on September 6, 1974.

The employee requests temporary quarters subsistence expenses, which were authorized pursuant to the travel order, while his wife and four children resided in Kennewick, Washington, their former home. The record indicates that the family was separated from the employee because no "suitable" permanent type dwellings were available in Alaska. Mr. Staab further states in connection with the subsistence expenses and the reimbursement of transportation of household goods to Washington State that:

"We assumed that the remainder of the family could relocate to Anchorage at the end of the first school semester, or at the end of the school year in June 1975, at the latest. In late November 1974, my ex-wife filed for a divorce in Washington State, and the divorce was final in March 1975."

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Under the above circumstances, the disbursing officer requested our decision regarding the following questions:

- (1) Under paragraph C8251-4b, Joint Travel Regulations, Volume 2, would payment of TQSE for Mr. Staab's dependents for a 30-day period of residence in Kennewick, Washington, be proper?
- (2) Would reimbursement to Mr. Staab for the transportation expenses incurred to move certain household goods to Kennewick, Washington, be proper?
- (3) Are the receipts and supporting documentation presented by Mr. Staab that do not indicate the name or address of the dwelling or name of the occupants, sufficient documentation of the TQSE?

With regard to the first question, the TQSE incurred by Federal employees incident to a permanent change of official duty station are reimbursable on an actual cost basis pursuant to the Federal Travel Regulations (FPMR 101-7) (May 1973) Part 5, "Subsistence While Occupying Temporary Quarters." These regulations promulgated by the General Services Administration implement the statutory provisions of 5 U. S. C. § 5724a(a)(3) (1966). Paragraph 2-5.2 of the Federal Travel Regulations reads, in pertinent part, as follows:

"a. Length of time allowed and location of new station. Subsistence expenses of the employee for whom a permanent change of station is authorized or approved and each member of his immediate family * * * shall be allowed for a period of not more than 30 consecutive days while the employee and family necessarily occupy temporary quarters and the new official station is located in the 50 states.

"b. Additional time in certain cases. To the extent determined to be necessary, expenses as provided above may be allowed for a period

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not to exceed an additional 30 consecutive days while the employee and family are occupying temporary quarters if the employee is transferred either to or from * * * Alaska * * *.

"c. What constitutes temporary quarters.
The term 'temporary quarters' refers to any lodging obtained from private or commercial sources to be occupied temporarily by the employee or members of his immediate family who have vacated the residence quarters * * *."

The disbursing officer points out that paragraph C8251-4b of the Joint Travel Regulations (JTR), Volume 2, implementing the FTR for civilian Department of Defense employees, which was in effect at the time involved in this case, permits payments of TQSE when the employee's dependents lodge at some location other than the employee's old or new station but requires that the quarters be occupied for a reason "directly related to the employee's transfer." Therefore, he specifically requests clarification of the term "directly related to the employee's transfer."

The JTR provisions regarding TQSE implement FTR para. 2-5.1 (May 1973) which requires the heads of agencies to prescribe procedures for administering the FTR provisions concerning TQSE reasonably and equitably so that the necessity for allowing subsistence expenses and the amount of time an employee and members of his immediate family use temporary quarters is justified in connection with the employee's transfer to a new official station. The cited JTR provision justifies allowance of TQSE for dependents to a case where they occupy temporary quarters for a reason "directly related to the employee's transfer." It is our view that the quoted words ordinarily limit the allowance of TQSE to a case where the dependents necessarily occupy quarters for a temporary period in connection with an intended move to the employee's new station, B-185727, March 2, 1976.

Whether quarters are necessarily occupied by the dependents incident to an employee's transfer must be decided on a case-by-case basis in the light of the circumstances concerning such occupancy. Generally, when quarters for the entire family have not been obtained at the employee's new station the family would remain in their residence at the old station or travel to the new

station and occupy quarters there while seeking permanent quarters. However, in some instances the dependents might be required to vacate the old residence when they could not proceed immediately to the new station because of a lack of family housing. In such a case the employee may find it advisable to move his family to a location other than the old station. An example of such a case might be one where the family of a transferred employee had to vacate the old residence because of its sale by the employee and a move to another location would lessen the financial burden required to maintain two residences while the employee sought suitable permanent quarters at the new station. In this or a similar type of case an authorized agency official could properly determine that the quarters were occupied for a reason "directly related to the employee's transfer."

On the basis of the record before us, we cannot determine whether Mr. Staab's dependents occupied temporary quarters at Kennewick for a justifiable reason. However, permanent family quarters were not available in Alaska and Mr. Staab's dependents vacated the residence in Cincinnati. Also, it appears that, while Mrs. Staab filed for a divorce in November 1974, she and the children intended to join Mr. Staab when they moved to Kennewick. Under the circumstances an administrative determination should be made as to whether the quarters in Kennewick were occupied for a reason "directly related to the employee's transfer." In this connection we note that TQSE was authorized for 60 days in accordance with FTR para. 2-5.2b applying to transfers to Alaska. Therefore, if an administrative determination is made that TQSE is allowable, the TQSE need not be limited to 30 days although the quarters occupied were in the conterminous United States.

Paragraph C7052-5a, JTR, Volume 2, provides that movement of household goods to overseas activities will be accomplished by GBL when Government facilities for such issuance are available irrespective of whether the destination is within or without the continental United States. However, shipment of the household effects of Mr. Staab was authorized on a commuted rate basis, apparently on the basis that, since the shipment was between two points in the continental United States, paragraph C7051, JTR, Volume 2, was applicable. We have held that when a transfer was to a point outside the continental United States, all shipments of household goods were to be shipped on an actual expense basis although some of the goods were shipped between points in the

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continental United States. B-154224, July 10, 1964; 37 Comp. Gen. 203, 206 (1957). Accordingly, Mr. Staab should be reimbursed for the shipment of his household goods to Pasco to the extent that the total cost to the Government does not exceed the amount that would have incurred if the goods had been shipped in one lot on an actual expense basis by GBL to Alaska.

The last question submitted by the disbursing officer pertains to the sufficiency of the lodging receipts submitted in support of the temporary quarters lodging expenses of the wife and four dependents in Kennewick, Washington. The receipts do not indicate the name or address from which the lodging was obtained. Paragraph 2-5.4 of the FTR provides as follows:

"b. Itemization and receipts. The actual expenses shall be itemized in a manner prescribed by the head of an agency which will permit at least a review of the amounts spent daily for (1) lodging, (2) meals, and (3) all other items of subsistence expenses. Receipts shall be required at least for lodging and laundry * * *."

The regulations governing Department of Defense civilian employees provide at 2 JTR C10012-6 (change 66, April 1, 1971):

"b. Receipts. Receipts are required as follows:

"1. for quarters costs paid, showing location, dates, and by whom occupied* * *."
(Emphasis added.)

The provisions of the FTR do not require receipts that specifically indicate the location of the quarters or the name of occupants. However, since the FTR sets forth only minimum requirements, the JTR may require the location of the temporary quarters as well as the name of the occupants so that an adequate review of the amount claimed may be made. The supporting documentation for lodging expenses submitted by Mr. Staab does not disclose the location of the temporary quarters or the name of the occupants. Therefore, unless the above data be supplied, the vouchers for lodging expenses may not be certified for payment.

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Accordingly, the vouchers are returned herewith for processing in accordance with the above.

R.F.KELLER

Acting

Comptroller General
of the United States