



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Barbara Green - Temporary Quarters Subsistence Expenses - Short Distance Transfer

**File:** B-257355

**Date:** November 14, 1994

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### DIGEST

A Department of Defense employee disputes her agency's computation of the commuting distance between her old residence and the duty station to which she is being transferred for the purpose of determining whether she meets the 40-mile eligibility requirement for temporary quarters subsistence allowance. The agency relied on the DOD Official Table of Distances (OTD), which uses a route via ferry. The employee argues that a longer all-land route is the appropriate route. Such factual determinations are left to the employing agency; GAO will not overturn the agency's determination unless it is arbitrary, capricious or contrary to law. Although the agency may rely on the OTD as a matter of general policy, the agency also may use a distance by an alternate route if it finds that to be more appropriate in a particular case.

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### DECISION

This is in response to a request for a decision whether a Defense Investigative Service employee, Ms. Barbara Green, may be authorized reimbursement for temporary quarters subsistence expenses (TQSE) reimbursement in connection with a permanent change-of-station transfer from Seattle, Washington, to Bremerton, Washington.<sup>1</sup>

### BACKGROUND

The issue in this case is the net increase in Ms. Green's commuting distance to her new duty station in Bremerton from her old residence in Seattle compared to her prior commuting distance to her old duty station in Seattle.

The Federal Travel Regulation (FTR) (restated in the Joint Travel Regulations, Vol. 2) provides that TQSE may not be authorized for an employee or the employee's family

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<sup>1</sup>The Director of the Defense Investigative Service submitted the request for a decision.

members "when the distance between the new official station and old residence is not more than 40 miles greater than the distance between the old residence and the old official station," except in one other situation not applicable here. 41 C.F.R. § 302-5.2(h) (1993). It is implicit in this provision that it would not be considered a hardship on an employee transferring a relatively short distance to increase his or her commuting distance for a brief period while establishing permanent quarters at the new duty station rather than incurring temporary quarters expenses near the new station.

Seattle and Bremerton are separated by Puget Sound. The Official Table of Distances, AR 55-60, promulgated for Department of Defense agencies to use in establishing distances in connection with travel and transportation claims, shows the distance between these two cities as 16 miles. This distance, which is measured from city center to city center across Puget Sound and is accomplished by use of a ferry, results in a net increase in commuting distance for Ms. Green of less than 40 miles. Ms. Green asserts that the distance from her old residence to her old duty station is 18 miles, and the distance from her old residence to her new duty station via the all-land route around Puget Sound, which she prefers, is 68 miles, a net increase of 50 miles.

According to the record, agency personnel verified with the Department of Defense Per Diem, Travel and Transportation Allowance Committee that the distances in the Official Table of Distances are appropriate for use in this computation.<sup>2</sup>

Ms. Green argues that the agency should use the land route to measure the distance of her commute because that is the fastest and least expensive method of transportation for her. She has provided fare and schedule information via car ferry across Puget Sound showing that the cost is \$5.50 each way and it takes 60 minutes to complete each crossing. The record does not include time and cost estimates via the land route.

## ANALYSIS

Regarding calculating distances between residences and duty stations the FTR states: "All measurements shall be made according to map distance along a usually traveled route." FTR § 302-5.2(h), *supra*. This language allows for the possibility that there may be more than one usually traveled route, or that the usually traveled route for one employee may differ from that of another, and it does not require the use of the shorter of two possible routes.

The Official Table of Distances used by the agency in this case states that the Table is to be used "to verify the distances" shown on DOD civilian employees' travel and transportation claims, and, further, that the distances it shows have been computed in miles over the shortest, most traveled highway routes as shown on the latest available

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<sup>2</sup>The Per Diem Committee promulgates the Joint Travel Regulations which implement the Federal Travel Regulation for Department of Defense agencies' employees.

highway maps. Thus, the use of this guide to verify distances to determine eligibility for TQSE appears appropriate. We also note, however, that the FTR provides that the decision as to whether to authorize TQSE "shall be made on an individual-cases basis". FTR § 302-5.1(a). Therefore, we believe that the agency does have the discretion and responsibility to consider the facts applicable in an individual case where the Official Table of Distances route is questioned to determine whether that route is the appropriate "usually traveled route" under the circumstances of the case.<sup>3</sup> We will not set aside an agency's determination that is within its discretion to make, absent a showing that it is arbitrary, capricious or contrary to law. Connie Tharp Holmquist, B-255603, Feb. 10, 1994; John W. Lacy, 67 Comp. Gen. 336 (1988). If upon review of the circumstances in this case the agency determines that the longer land route favored by Ms. Green is appropriate to use in deciding her eligibility for authorization of TQSE, we would not question that determination, nor would we question a determination that the shorter distance via the ferry is appropriate.<sup>4</sup>

/s/ Seymour Efros  
for Robert P. Murphy  
Acting General Counsel

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<sup>3</sup>We note, for example, that what might be the appropriate route for a mileage claim for a single trip from an old to a new duty station under PCS orders may not necessarily be the only appropriate usually traveled route for regular commuting.

<sup>4</sup>We also note that a determination that Ms. Green meets the 40-mile commuting requirement would not automatically entitle her to TQSE. The agency has the further discretion to determine whether to authorize TQSE in the circumstances, considering such factors as are set out in FTR § 302-5.1.