

B-258852

February 15, 1995

Ms.
Relocation Specialist
Department of Commerce/NOAA
Eastern Administrative Support Center
200 World Trade Center
Norfolk, VA 23510-1624

Dear Ms. :

This further replies to your letter, with enclosures, requesting a review of Mr. [redacted] claim for lodging expenses while staying at his brother's house incident to his temporary duty travel. As explained below, we agree with your disallowance of the claim.

[redacted] suffered an on-the-job injury while on temporary duty which caused an interruption of that duty for his recuperation during which he was entitled to be paid per diem under the same conditions as if he were on official business. Federal Travel Regulation (FTR) § 301-12.5(a). One of those conditions, as you pointed out to Mr. [redacted], is that in order for an employee to be reimbursed any lodging expenses when he stays with a relative he must substantiate "additional costs" that the relative "actually incurs" due to the employee's lodging. FTR § 301-7.9(c)(3). Mr. [redacted] provided a receipt from his brother stating that Mr. [redacted] had paid his brother \$50 per day for 7 days' lodgings. Mr. [redacted] states that the care and accommodations his brother provided aided in his recovering more quickly than if he had stayed in a motel, and the \$50 rate he paid was less than motel charges would have been. He apparently considers that providing the required documentation of additional costs to justify the charges would be an unreasonable burden on him.

We note, however, that FTR § 301-7.9(c)(3) specifically provides that in determining the reasonableness of additional costs incurred for lodging with relatives, neither costs based on room rates for comparable conventional lodging in the area nor flat "token" amounts will be considered reasonable. See also, [redacted], 66 Comp. Gen. 347 (1987), copy enclosed, another case where an employee lodged with a relative while on temporary duty and claimed a flat rate for lodging without substantiation of additional expenses. In

that case too, we upheld the agency's denial of the claim for lodging. Thus, even though Mr. ' claim for lodging expenses may be less than one based on comparable commercial rates, it does not meet the requirements of the governing FTR provision, and it was properly denied.

Sincerely yours,

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

Enclosure