

DOCUMENT RESUME

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[Reimbursement of Employee for Subsistence While Occupying Temporary Quarters]. B-191626. November 20, 1978. 2 pp.

Decision re: Jack Carson; by Robert F. Keller, Deputy Comptroller General.

**Contact: Office of the General Counsel: Personnel Law Matters I.
Organization Concerned: Department of the Interior.
Authority: B-190108 (1978). B-185440 (1976). B-174648 (1972).
B-174514 (1971).**

The propriety of reimbursing a transferred employee for expenses incurred while occupying a residence at his new duty station was questioned. Although the employee and his family occupied the new residence without furniture, cooking utensils, and other household goods, he may not be reimbursed for temporary quarters allowances since he intended to occupy the house on a permanent basis. (RES)

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DECISION



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

FILE: B-191626

DATE November 20, 1978

**MATTER OF: Jack Carson - Subsistence While Occupying
Temporary Quarters**

DIGEST: Civilian employee of Department of Interior, incident to transfer of official station, moved into residence purchased at new duty station. Employee claims temporary quarters allowance during period he and his family lived in permanent residence which was without furniture, cooking utensils, cooking stove, and beds, and was required to eat all meals in restaurants until arrival of household goods. Claim may not be allowed as evidence shows employee intended to occupy new residence on permanent basis, notwithstanding absence of household effects and fact that occupancy resulted in savings to Government.

This action arises from the request of Mr. R. T. Erickson, authorized certifying officer, United States Department of the Interior, for an advance decision as to the propriety of reimbursing Mr. Jack Carson, an employee of the agency, for expenses incurred by him while occupying a residence he had purchased at his new duty post, incident to a transfer of official station from Horton, Kansas to Kansas City, Missouri.

The reported chronology of the claim, including the contentions of Mr. Carson, are as follows:

"Mr. Carson occupied temporary quarters on August 1, 1977. He moved into a residence he had purchased August 19, 1977 (supported by temporary quarters lodging receipts through August 18, 1977). In addition to the period August 1 through August 18, 1977 Mr. Carson claimed expenses for temporary quarters from August 19, 1977 through August 30, 1977. During this period furniture, cooking utensils, cooking stove and beds were not available. His household goods were not delivered until September 2, 1977. Since Mr. Carson occupied his permanent residence on a permanent basis August 19, 1977 expenses claimed for temporary quarters for the period


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August 19 through August 30, 1977 were disallowed. Mr. Carson has discussed the situation with General Services Administration and is reclaiming the expenses disallowed, apparently on the basis that your office has a tendency not to penalize eligible employees for prudent action taken especially when there are cost savings to the Government."

This Office has consistently held that an employee may not be reimbursed subsistence expenses during the period he occupies the residence in which he intends to remain, irrespective of the absence of his household effects which arrive at his new residence at a later date. Further, the fact that such occupancy results in savings to the Government may not serve as a basis for holding otherwise. Our most recent pronouncement of this rule is contained in Matter of Jack P. Collins, B-190108, February 13, 1978. See also, B-185440, July 13, 1976; B-174648, January 18, 1972; and B-174514, December 10, 1971.

The evidence of record clearly shows that Mr. Carson intended to occupy his new residence on a permanent basis. Although such residence was unfurnished and lacked cooking and eating facilities, it does not qualify as temporary quarters in which the employee intended to reside for a short period prior to moving into his permanent quarters.

Accordingly, the reclaim voucher submitted by Mr. Carson is returned and may not be certified for payment.


Deputy Comptroller General
of the United States