



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Howard Robinson, Jr.—Mileage—Household Goods
Shipment—Temporary Quarters Subsistence Expense/Househunting
Trip

File: B-271337

Date: July 1, 1996

DIGEST

1. A transferred employee reclaims relocation mileage based on his odometer reading of 251 miles. The agency allowed him 174 miles based on the standard highway mileage guide for the distance between his old and new permanent duty stations, plus 10 percent to accommodate necessary detours, for a total of 191 miles. The additional 60 miles claimed may not be allowed since the employee has not satisfactorily explained the excess mileage to the agency. 41 C.F.R. §§ 302-2.1 and 301-4.1 (1994).
2. A transferred employee, who was authorized to ship his household goods by government bill of lading (GBL) system, reclaims reimbursement for transporting part of his household goods to his new duty station in his privately owned vehicle (POV) under the commuted rate system. Once an agency determines that shipment by GBL is the lower cost method and the employee chooses to move part of his goods by private transportation, the employee's reimbursement is limited to his actual expenses incurred. Since the employee's only expense was the cost of fuel for which he has already been reimbursed on a mileage basis for the use of his POV, which includes the cost of fuel, he has received the maximum reimbursement authorized.
3. A transferred employee was authorized and took a 9 day househunting trip. He was also authorized 60 days temporary quarters subsistence expenses but was in temporary quarters only 40 days. The agency deducted the amount reimbursed to him for his househunting trip from the amount expended for temporary quarters. The agency action was incorrect. Under the Federal Travel Regulation, an agency may deduct the number of days spent househunting from the authorized temporary quarters period, thereby reducing the number of days available for temporary quarters. Since the total number of days spent by the employee in temporary quarters and househunting did not exceed the maximum temporary quarters period authorized, he may be reimbursed the actual allowable expenses incurred for both temporary quarters and househunting.

DECISION

Mr. Howard Robinson, an employee of the Department of Health and Human Services, appeals that portion of our Claims Settlement, Z-2869663, Nov. 29, 1995, disallowing him reimbursement for certain expenses incurred incident to a permanent change of station in October 1994. We overturn our claims settlement, in part, and sustain it, in part, for the following reasons.

BACKGROUND

Mr. Robinson, who was stationed in Huntsville, Alabama, was transferred to Atlanta, Georgia, effective October 30, 1994. His travel orders authorized transportation of dependents and himself by privately owned vehicle (POV); transportation of household goods through use of a government bill of lading, with a period of temporary storage, if required; subsistence expenses while occupying temporary quarters; and a househunting trip. Following completion of his permanent change of station and submission of his travel vouchers, the agency disallowed part of his travel claim.

Mr. Robinson appealed that action to this Office and sought interest on any amount that this Office authorized him to be paid. By settlement Z-2869663, Nov. 29, 1995, we allowed his lease termination expense, but sustained the agency disallowance of the other items, including his claim for interest.

In his present appeal, Mr. Robinson reclaims increased travel mileage for his one-way relocation travel based on his odometer reading of 251 miles, rather than the 191 miles allowed; transportation of part of his household goods through use of his POV on a commuted rate basis; and full reimbursement for both his househunting trip and his period of temporary quarters.

OPINION

Relocation Mileage

Under subsection 301-4.1(b)(1) of the Federal Travel Regulation (FTR),¹ mileage reimbursement for use of a privately owned automobile is based on the distances between points traveled as shown in standard highway mileage guides, or actual miles driven as determined by odometer readings. If odometer readings are used:

". . . Any substantial deviation from distances shown in the standard highway mileage guides shall be explained."

¹41 C.F.R. § 301-4.1(b)(1) (1995).

We have recognized that odometer readings normally can show some deviation from the standard highway mileage guides because of extra miles traveled when the traveler is required to make occasional detours for such things as meals, lodging, or possibly road construction.² However, where the odometer reading deviates substantially from the standard highway mileage guides, the excess mileage must be explained to the satisfaction of the agency in order for any part of the additional mileage to be reimbursed.³

The agency determined that the mileage from Huntsville, Alabama, to Atlanta, Georgia, by direct route is approximately 174 miles, to which it added 10 percent to cover any extra mileage needed, and reimbursed Mr. Robinson 15 cents a mile for 191 miles. The employee contends that he traveled directly from Huntsville to Atlanta and his odometer registered 251 miles for the trip, noting that it was the same one-way distance as his travel for his househunting trip. It is our view that the excess 60 miles shown on his odometer constitutes a substantial deviation from the standard highway mileage guide and that the claimant has not satisfactorily explained the excess. Therefore, we find no basis to allow reimbursement for the additional mileage claimed.

Household goods shipment

Mr. Robinson's household goods were authorized to be shipped by government bill of lading (actual expense method). The goods picked up by the carrier weighed 8,210 pounds. According to Mr. Robinson, there were some goods that the carrier could not transport and other goods that the carrier recommended he transport because of its value (computer). He loaded these and some other goods and personal effects into his POV and transported them to his new duty station when he performed his relocation travel. Based on weight certificates used to establish the TARE weight of his POV (2,500 pounds) and the gross weight of his POV (3,620 pounds), Mr. Robinson contends that he should be reimbursed for the 1,120 pounds of household goods he transported, on a commuted rate basis.

Shipment of an employee's household goods at government expense incident to a permanent change of station is authorized to be accomplished in only one of two ways. Either by the government bill of lading system (GBL), where the government assumes responsibility of arranging for the transportation of the goods and payment directly to the carrier,⁴ or the commuted rate system, where the employee arranges

²Valerie McLeod, B-255806, Apr. 29, 1994.

³Valerie McLeod, *supra*. See also Paul G. Thibault, 69 Comp. Gen. 72 (1989).

⁴41 C.F.R. § 302-8.3(b) (1995).

his own household goods transportation and is reimbursed according to the allowances prescribed in the Commuted Rate Schedule published by the General Services Administration.⁵

Each agency must determine on a cost comparison basis whether a transferring employee entitled to transportation of household goods will be reimbursed under the GBL system or the commuted rate system. When an agency determines that the GBL system is to be used to ship an employee's household goods because it is the lower cost method and an employee subsequently moves part of his household goods by rental truck, trailer, or private conveyance, his/her reimbursement for that privately arranged transportation is limited to his/her actual expenses incurred (e.g., vehicle rental fee, materials, fuel, toll charges, etc.),⁶ not to exceed the cost which the government would have incurred had those goods been included with the other household goods and shipped in one lot by the GBL method.⁷

There is nothing in the present case to show that Mr. Robinson incurred any expense for transporting approximately 1,120 pounds of household goods in his POV, other than the cost of fuel. However, since he already has been reimbursed mileage for use of his POV to transport him to his new duty station, which includes, among other factors, the cost of fuel for that purpose, he has received the maximum reimbursement authorized under the law and regulation for the use of his POV.

Temporary Quarters Subsistence Expenses/Househunting Trip

The regulation governing travel to seek permanent quarters is contained in Part 302-4 of the FTR.⁸ Sections 302-4.1 and 302-4.2 of the FTR⁹ permit an agency to authorize a transferring employee to perform a househunting trip at government expense, not to exceed 10 calendar days, so long as the round-trip travel is completed before the employee reports for duty at his new duty station. In conjunction with those provisions, the regulation governing payment of subsistence expenses while occupying temporary quarters contained in Part 302-5 of the FTR

⁵41 C.F.R. § 302-8.3(a) (1995).

⁶Fuller C. Jones, Jr., B-224660, Mar. 14, 1988, citing to Timothy Shaffer, B-223607, Dec. 24, 1986.

⁷41 C.F.R. §§ 101-40.203-2(b) and (d) (1995).

⁸41 C.F.R. Part 302-4 (1995).

⁹41 C.F.R. §§ 302-4.1 and 302-4.2 (1995).

and provides in section 302-5.2(a)(1) thereof¹⁰ that an employee who is transferred shall be allowed subsistence expenses while occupying temporary quarters for an initial period not to exceed 60 days. As a preamble, section 302-5.1 of the FTR¹¹ states in part that,

". . . As a general policy, the period for temporary quarters shall be reduced or avoided if a round trip to seek permanent residence quarters has been made. . . . The administrative determination as to whether the occupancy of temporary quarters is necessary and the length of time for individual-case basis."

Mr. Robinson's travel order authorized him to take a househunting trip for a 9 day period. Those orders also authorized him be reimbursed for a period of temporary quarters, but without specifying the length of the period. However, elsewhere in the file the period of temporary quarters occupancy is shown to have been granted for 60 days (an initial period of 30 days, plus an additional period of 30 days). The employee actually occupied temporary quarters at his new duty station for only 40 days and incurred reimbursable expenses totaling \$2,513.57. The agency deducted his househunting trip expenses (\$616.30) from that amount and allowed him \$1,897.27. That action was taken because his travel orders stated that "[T]he value of the househunting trip will be deducted from reimbursement for any required period of temporary quarters."

We have interpreted the FTR as granting an agency broad discretion to limit the period that an employee is permitted to occupy temporary quarters and be reimbursed subsistence expenses.¹² However, the manner in which the agency limited Mr. Robinson's reimbursement for the combination of his authorized househunting trip and his subsistence expense period after arriving at his new duty station effectively nullified the expense reimbursement specifically authorized in the FTR to employees.

When an employee is authorized both a househunting trip and a period of temporary quarters occupancy, FTR § 302-5.1, quoted above, provides that the period for temporary quarters shall be reduced or avoided. This means that the number of days actually used for househunting are to be subtracted from the maximum number of days authorized for temporary quarters occupancy. R.T.

¹⁰41 C.F.R. § 302-5.2(a)(1) (1995).

¹¹41 C.F.R. § 302-5.1 (1995).

¹²Stephen P. Szarka, B-247426, June 4, 1992. See also William H. Beavers, B-233653, Nov. 20, 1989.

Erickson, B-168358, Dec. 24, 1969. See also, James F. Kilfoil, 67 Comp. Gen. 258 (1988). The agency here misinterpreted the FTR by deducting the cost of the househunting trip instead of the period of that trip.

Thus, it is our view that Mr. Robinson was incorrectly reimbursed. His househunting trip was for a 9 day period. Since the period that he was in temporary quarters was only 40 days, the combined 49 days of the two allowance periods was less than the 60-days temporary quarters period authorized. Therefore, Mr. Robinson may be reimbursed his authorized expenses for both the 9-day househunting trip and the 40 days in temporary quarters.

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