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**Comptroller General  
of the United States**

Washington, D.C. 20548

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# Decision

**Matter of:** Andrea M. Cora—Relocation—Temporary Quarters  
Subsistence Expenses

**File:** B-260315

**Date:** December 28, 1995

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## DIGEST

A transferred employee claims entitlement to temporary quarters subsistence expenses (TQSE) for herself and her husband, even though her husband returned to their former residence after 10 days because he was unable to find suitable employment or affordable housing at the wife's new duty station. The claim for TQSE may be allowed. There is sufficient evidence of the employee's and husband's intent to relocate since their former residence had been put up for sale, the husband (a carpenter) brought some household goods and his full set of carpentry tools when he relocated to the new duty station, they were actively seeking a permanent residence before and after the husband's arrival at the new duty station, and the employee delayed entering into the temporary quarters for which she claims TQSE until her husband's arrival.

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## DECISION

This decision is in response to a request from Ms. Jeanne DiGange, Authorized Certifying Officer, Office of Finance and Management, National Finance Center, United States Department of Agriculture (USDA), concerning whether an employee of the USDA, Ms. Andrea M. Cora, may be paid temporary quarters subsistence expenses (TQSE) incident to her relocation from Lexington, Kentucky, to Washington, D.C. For the following reasons, we hold that the employee is entitled to reimbursement for subsistence expenses for herself at her new duty station, as well as for the additional meals and other expenses incurred by her husband during his stay with her in temporary quarters in Washington.

## BACKGROUND

Andrea M. Cora, an employee of the USDA, Soil Conservation Service, was transferred from Lexington, Kentucky, to Washington, D.C., in April 1994. Ms. Cora was authorized 60 days' temporary quarters subsistence for herself and for her

husband. The Coras' residence in Lexington, Kentucky, had been inspected and appraised and an exclusive sales contract had been signed with a realtor on May 10, 1994. Ms. Cora relocated to Washington, D.C., on May 15, 1994, but decided to wait until her husband relocated before entering into temporary quarters. During this time she stayed with relatives in Virginia at no cost to the government.

When Mr. Cora relocated on August 12, 1994, he and Ms. Cora entered into temporary quarters. Ms. Cora states that Mr. Cora came to Washington with personal belongings, some household goods, and carpentry tools. No sales contract on the house in Lexington had been signed at that time but Ms. Cora states that the house had been vacated with the intent to rent it. A realtor in Northern Virginia has acknowledged that the Coras were actively pursuing a residence in the Washington, D.C., area prior to Mr. Cora's arrival and during the time they were both in temporary quarters.

On August 22, 1994, Mr. Cora decided to return to the old official station. Ms. Cora states that his return was due to, among other things, a lack of employment opportunities and the cost of housing in the Washington, D.C., area. After her husband moved back to Kentucky, Ms. Cora remained in temporary quarters for the remainder of the 60 days authorized by her agency, and subsequently established residency in Northern Virginia. The Coras' home in Lexington, Kentucky, was taken off the market when the listing ran out.

The Soil Conservation Service requested payment of Ms. Cora's claim, stating that she and her spouse did vacate their Kentucky residence and relocate to Washington, but Mr. Cora returned to Kentucky because he could not find suitable employment or affordable housing in the Washington area.<sup>1</sup>

## ANALYSIS

Section 5724a of title 5, United States Code, authorizes the reimbursement of certain expenses incurred by an employee for whom the government pays travel and transportation expenses incident to a permanent change of station. Among those expenses authorized are temporary quarters subsistence expenses for the employee and his immediate family. Under the Federal Travel Regulation (FTR), in order to be eligible for reimbursement of temporary quarters subsistence expenses, the employee and his family must have "vacated the residence quarters in which they were residing at the time the transfer was authorized." FTR, 41 C.F.R. § 302-5.2.

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<sup>1</sup>November 4, 1994, memorandum by the Assistant Director, National Headquarters Support Division, Soil Conservation Service.

There is no definition of the word "vacate" in the travel regulations. We have generally considered a residence to be vacated when an employee's family ceased to occupy it for the purposes intended. See Charles C. Werner, B-185696, May 28, 1976, and Luther S. Clemmer, B-199347, Feb. 18, 1981. In determining whether the employee's family has ceased to occupy a residence we examine the action taken by an employee and his or her family prior to and after departure from the former residence. If those actions support an inference that the employee and his family intended to cease occupancy of the residence, we generally have authorized reimbursement. John O. Randall, B-206169, June 16, 1982. Where evidence of intent to cease occupancy was lacking, we have not authorized payment of TQSE.

#### CONCLUSION

Ms. Cora may be deemed to have ceased occupancy of her residence in Lexington, Kentucky, at the time she reported for duty at her new station in Washington, D.C. As to Mr. Cora, although his stay in the Washington area was only 10 days, we believe that the Soil Conservation Service's determination that he intended to vacate his residence in Lexington, Kentucky, at the time he came to Washington is sufficiently supported by the record. We are influenced by several considerations: (1) the Coras' home in Lexington, Kentucky, had been inspected, appraised, and listed for sale; (2) Mr. Cora came to Washington with some household goods and carpentry tools, for the purpose of seeking employment; (3) Ms. Cora waited until her husband's arrival before moving into the temporary quarters for which Ms. Cora claims TQSE; and (4) the Coras, before and after Mr. Cora's arrival, were actively seeking a permanent residence in the Washington area.

Accordingly, Ms. Cora may be reimbursed for TQSE incurred for herself for the entire 60 days that she was authorized TQSE by her agency, as well as for the additional meals and other expenses incurred for her husband during his 10-day stay in temporary quarters with her, within the limits prescribed by the FTR.

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