



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Ms. Blanch Brown—Relocation—Extension of Time in Temporary Quarters

File: B-260580

Date: November 13, 1995

DIGEST

An agency asks whether difficulties in selling the residence at an employee's old duty station may justify an extension of the employee's period of eligibility for temporary quarters subsistence expenses at the employee's new duty station. The answer is no. The failure to sell a residence within the limited period of temporary quarters may not, by itself, justify an extension of temporary quarters.

DECISION

The Centers for Disease Control and Prevention, Department of Health and Human Services, requests a decision whether the agency may grant Ms. Blanch Brown, an employee transferred from Columbia, South Carolina, to Atlanta, Georgia, an extension of in temporary quarters subsistence expenses (TQSE) beyond the initial 60 days authorized for her.¹ The answer is no.

BACKGROUND

Incident to her transfer, the agency authorized 60 days of TQSE for Ms. Brown, which began on March 6, 1994. On March 29, Ms. Brown entered into a contract for the sale of her residence in Columbia, with a closing to take place on or before May 15, 1994. However, on April 18, for reasons that are not explained in the record, that contract fell through. Ms. Brown states that she will not be able to purchase a residence in Atlanta until she is able to sell her old one in Columbia.

The Associate Director recommends approval of Ms. Brown's request. He states that because of the resale housing market in South Carolina and because one

¹The request for decision was presented by the agency's Director, Financial Management Office, Atlanta, Georgia.

contract has fallen through, Ms. Brown does not wish to enter into a contingency contract on a house in Atlanta. He also states that Ms. Brown has made a "strong effort" to sell her old residence and notes that the withdrawal of the first sales contract was beyond her control.

The agency's finance office Director questions whether a TQSE extension may be granted where the justification is related only to a delay in the sale of a residence at the old duty station. He notes that the Federal Travel Regulation (FTR) includes a number of examples of acceptable reasons for granting an extension, but that each of them involves delays in occupying permanent quarters at the new official duty station. He says that his office relies on the general rule that TQSE is to be used only for as long as necessary to locate permanent quarters at the new duty station and the market conditions in the Atlanta vicinity are very favorable for buyers. As to the contract that fell through on Ms. Brown's Columbia residence, the Director notes that settlement on it was scheduled for a date beyond the expiration of her initial 60 days of TQSE.

OPINION

The determination whether to authorize TQSE and for what period of time is largely a matter of agency discretion. The applicable statute, which authorizes an initial period of TQSE of up to 60 days, authorizes an additional 60 days when the head of the agency or his designee "determines that there are compelling reasons for the continued occupancy of temporary quarters." 5 U.S.C. § 5724a (1988).

This discretion is limited by requirements in the FTR, which provides, "Extensions of the temporary quarters period may be authorized only in situations where there is a demonstrated need for additional time due to circumstances which have occurred during the initial 60-day period of occupancy and which are determined to be beyond the employee's control and acceptable to the agency." FTR § 302-5.2(a)(2).

We have interpreted this requirement to preclude extensions based on generalized conditions existing at the time of transfer, at the old duty station, such as a poor housing market or high interest rates. Michael F. Locke, July 11, 1986. In that case, we noted that the failure to sell a residence within the initial TQSE period, by itself, may not justify an extension of TQSE. Id.

In this case, the Associate Director's request for an extension of Ms. Brown's TQSE is based largely on the poor resale housing market in Columbia. Since this is not,

as the FTR requires, a circumstance that occurred during the initial period of occupancy, the agency may not grant an extension of TQSE on this basis. Accordingly, the claim may not be paid.

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