



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Laura Acosta

File: B-258445

Date: January 3, 1996

DIGEST

A transferred employee while occupying temporary quarters at her new permanent duty station was required to perform several weeks' temporary duty away from her new station. She vacated her temporary quarters to save the government money and parked her privately owned vehicle at the airport in order to avoid violating a local ordinance against long-term parking on a public street for over 3 days. The employee's claim for reimbursement of the airport parking fee may be paid since she acted reasonably and prudently to reduce her travel expenses. See 41 C.F.R. § 301-1.3(a) (1995).

DECISION

The Department of Agriculture (USDA) requests a decision as to whether it may reimburse an employee for an airport parking fee at her new official duty station when the employee, who was occupying temporary quarters, moved out of those temporary quarters because she was assigned to several weeks of temporary duty training in another state.¹ For the following reasons, we conclude that her claim may be certified for payment in the amount of \$192.

Ms. Laura Acosta, an employee of the USDA was authorized temporary quarters subsistence expenses in connection with her permanent change of station from Friona, Texas, to Santa Clara, California. Ms. Acosta moved into temporary quarters on August 3, 1993, at a motel in San Jose, California, since her permanent residence at her new duty station would not become available until after September 5, 1993. However, from August 16 through September 3, 1993, USDA assigned her to temporary duty training in College Station, Texas. For this period, Ms. Acosta vacated her temporary quarters in San Jose, California, so as not to incur dual lodging expenses during her temporary duty in Texas. She parked her

¹This matter was submitted by Ms. Sandra S. Williams, an authorized certifying officer of the Department of Agriculture, New Orleans, Louisiana.

privately owned vehicle in the airport parking lot for the duration of the temporary duty assignment because a local ordinance in San Jose, California, prohibits parking on a public street of over 3 days. The charge for parking at the airport was \$192, which Ms. Acosta has paid and for which she seeks reimbursement.

USDA disallowed the claim because the regulations on temporary quarters expenses do not include car storage expenses, but is willing to reimburse her \$40, the estimated cost of a round-trip taxicab fare from her temporary quarters motel to the airport. In this regard, USDA notes that the Federal Travel Regulation (FTR), 41 C.F.R. § 301-4.2(d)(4) (1994) provides that:

"Parking when automobile is left at terminal. The fee for parking an automobile at a common carrier terminal or other parking area while the traveler is away from his/her official station shall be allowed only to the extent that the fee plus the allowable reimbursement to and from the terminal or other parking area does not exceed the estimated cost for use of a taxicab to and from the terminal under the provisions of § 301-2.2(c)." [Emphasis in original.]

We do not believe that the provisions of 41 C.F.R. § 301-4.2(d)(4) (1994) are applicable to an employee who vacates temporary quarters at a new duty station incident to short-term temporary duty at another location. Rather, those provisions were intended to apply to the normal situation of employees in permanent residences at their official duty stations or employees maintaining temporary quarters at their new official duty stations while on temporary duty.

An employee who is required to perform temporary duty (TDY) away from the new duty station may retain temporary quarters lodging during that absence and be reimbursed for those expenses, in addition to the lodging expenses at the temporary duty station, if the agency determines that the employee acted reasonably in retaining temporary quarters. Paul G. Thibault, 69 Comp. Gen. 72 (1989). Although it was not necessary for Ms. Acosta to retain temporary quarters during her TDY assignment, the record shows that it was necessary for her to leave her private vehicle at a safe and legal location while she was away. The airport parking lot at her new duty station was such a location. The cost of parking her vehicle there was \$192. Had she retained her temporary quarters during her absence in order to leave her car there the cost would have been \$820. Clearly, Ms. Acosta acted reasonably and prudently to reduce her travel expenses. See 41 C.F.R. § 301-1.3(a) (1995).²

²As USDA's report notes, Ms. Acosta's return travel after temporary duty from September 3 through September 8, 1993, was through Bovina, Texas, in order to allow Ms. Acosta to complete change of station preparations. In view of this and

Accordingly, USDA may certify Ms. Acosta's voucher for payment in the amount of \$192.

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

her new residence's unavailability, USDA should not make any deduction for her parking fees from September 4 through September 8, 1993. Also, since Ms. Acosta's temporary duty has been completed and her rights have vested, USDA has no basis for reducing the full meals and incidental expenses component of the per diem allowance which it granted her.