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**DECISION**



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

FILE: B-198349

DATE November 3, 1980

Lieutenant (junior grade) James O.

MATTER OF: McGranahan - Staying at Friends'  
Apartment on TDY

*[Request for]* DIGEST: A claim by a member of the military for reimbursement of expenses incurred during *TDY* temporary duty for lodging provided by a friend must be denied, even though the member paid his friend rent for the lodging, since Joint Travel Regulations par. M4205-1 provides that under such circumstances there may be no reimbursement for the cost of lodgings.

By letter of April 2, 1980, an advance decision is requested concerning the reimbursement of expenses for lodging incurred by a member of the military during temporary duty while staying at the apartment of a friend. Since reimbursement is not permitted for expenses incurred by a member for lodging provided by a friend, the claim is denied.

The request for an advance decision was made by Lieutenant (junior grade) S. R. Miller, disbursing officer at Moffett Field, California, and was assigned Control No. 80-13 by the Per Diem, Travel and Transportation Allowance Committee.

For the period of August 20 through September 14, 1979, Lieutenant (junior grade) James O. McGranahan was on temporary duty in San Diego, California, for Legal Officer School. Since Government quarters were not available, Lieutenant McGranahan stayed in the apartment of a friend, to whom he paid \$300 in rent. He received no receipt for the payment from the apartment owner or his friend, nor did he furnish any information indicating increased costs incurred by his host due to his stay at the apartment.

This situation is covered by Joint Travel Regulations, par. M4205-1, which provides, in pertinent part:

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"If the member uses no lodging during the temporary duty period or utilizes lodging as a guest of friends or relatives, then the average cost of lodging is zero \* \* \*."

This provision is established under the authority granted to the Secretaries having jurisdiction over the uniformed services by 37 U.S.C. § 404 (1976). The purpose of the the prohibition against reimbursing friends and relatives is to eliminate potential abuses from occurring in connection with claims involving lodging with friends or relatives.

The lodging here was obtained by Lieutenant McGranahan from a friend. Although the friend expected payment for permitting Lieutenant McGranahan to stay in his apartment, the friend did not operate a commercial establishment and this is the type of reimbursement against which the regulation is aimed. Paragraph M4205-1 was revised January 1, 1978, to its current form, but prior to that paragraph M4205 (effective October 3, 1976) provided, in pertinent part:

"If the member uses no lodging during the temporary duty period or utilizes lodging without cost, including as a guest of friends or relatives, then the average cost of lodging is zero \* \* \*."

The current regulation as revised omitted the language "without cost," indicating that a member may be a guest even if there is some cost involved. Moreover, the Per Diem, Travel and Transportation Allowance Committee advises that the use of the term guest is unfortunate and that the intent of the regulation is to allow zero dollars for lodging whenever a traveler stays with a friend or relative. This regulation was promulgated pursuant to statutory authority and it must be followed. Therefore, Lieutenant McGranahan is not entitled to reimbursement for the lodging expenses he has claimed.

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In accordance with the foregoing, the claim for reimbursement must be denied.

*Milton J. Fowler*

For the Comptroller General  
of the United States