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Chief, OGC

21 June 1949

Office of the General Counsel

Temporary Lodging Allowance

1. Reference is made to your memorandum of 7 June 1949 in which you request the opinion of this office with respect to the application or termination of the temporary lodging allowance under circumstances where an employee has been transferred from one overseas station to another and 30 days thereafter is ordered to the United States on home leave in excess of 60 days.

2. Section 2.1 of the Standardized Government Civilian Allowance Regulations defines temporary lodging allowance as follows:

"2.1 Definition

"Temporary lodging allowance" means a living-quarters allowance (see sec. 1.1f) granted to an officer or employee for the cost of lodging, heat, light, and fuel (including gas and electricity) at temporary quarters for the officer or employee and his family upon their first arrival at a new post."

With respect to the duration of the grant Sec. 2.31 of the FAR provides as follows:

"2.31 The grant of a temporary lodging allowance shall continue for a period not in excess of three months after the first arrival of the officer or employee (or a member of his family - see sec. 2.2), or until the occupation of residence quarters, whichever period is shorter. (For example, a grant which commenced on February 13 would terminate on or before May 12.) It shall not be terminated by reason of the absence on temporary detail of the officer or employee if, during the period of such detail, his expenses for lodging at his post continue."

3. It is clear from a reading of Sec. 2.31 etc. that the case here presented is not covered by the express provisions of the aforementioned regulations, nor would it appear to be covered by inference. Certainly no statute would require that the temporary lodging allowance be terminated. For example Sec. 103.605 of the Department of State Travel Regulations defines "temporary detail" as duty assignments from a post to which an officer or employee is assigned, including the travel incident to such duty.

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together are not in excess of the authorized 3 months. The Department has consistently held that although a temporary lodging allowance may not be terminated by reason of the absence on temporary detail of the officer or employee, it must continue, if at all, on an unbroken basis for a period not in excess of three months after the first arrival of the officer or employee or a member of his family, or until the acquisition of residence quarters, whichever period is shorter. It is noted that the sections of the S.A.R. concerned with living-quarters allowances provide standards for the continuance of these grants during the officer's or employee's absence from his post, but make no provision with respect to "break-offs" and resumptions. Consistency with the interpretations of the S.A.R. would therefore require that this office hold that no further temporary lodging allowances are due the individual concerned upon his return to his post of duty.

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*Legal Revisions
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