



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Christine G. Davis—Reconsideration

File: B-254837.2

Date: January 16, 1996

DIGEST

An employee was authorized travel for herself and her two young children to her new duty station by her privately owned vehicle at the rate applicable to an employee and two dependents, 19 cents per mile. She made an initial trip to the new duty station alone and a week later made a second trip to bring her two children to her new duty station. The employee's entitlement became fixed upon the initial travel to and reporting for duty at the new station, for which she may be reimbursed mileage at the rate applicable to an employee traveling alone, 15 cents per mile. The employee may not be reimbursed for herself for any subsequent trips to her old duty station after reporting for duty at her new station. However, she is entitled to be reimbursed on a constructive basis at 4 cents per mile (the difference between the single rate and the rate she would have received if the dependents had accompanied her initially) for the trip transporting her children to her new duty station. The total reimbursement for both trips may not exceed the cost of one trip at 19 cents per mile from the old to the new station. Christine G. Davis, B-254837, May 27, 1994, is modified.

DECISION

The Department of Agriculture requests reconsideration of our decision, Christine G. Davis, B-254837, May 27, 1994, which involved several claims incident to Ms. Davis's transfer from Cassville, Missouri, to Heavener, Oklahoma. Only a claim for travel expenses is at issue here.¹

Incident to her transfer, Ms. Davis, who is an employee of the Food Safety and Inspection Service, Department of Agriculture, received travel orders authorizing the use of her privately owned vehicle (POV) for her and her two children's travel to her new duty station. The travel order stated, "Mileage for use of privately-owned

¹The authorized certifying officer at the National Finance Center, New Orleans, Louisiana, presented the request for reconsideration.

automobile for transportation of employee and members of his (sic) immediate family, as follows: .19 cents per mile when three travel." On May 26, 1992, Ms. Davis traveled alone from her residence near Berryville, Arkansas, which is about 33 miles southeast of her old duty station at Cassville, to her new duty station, a distance of about 190 miles. (The record does not include the exact mileage.) A week later, she traveled to Eureka Springs, Arkansas, which is near her old duty station, to pick up her two children (aged about 4 years and 7 months, respectively) and transport them to her new duty station.² Ms. Davis did not submit a travel claim for her initial trip to her new duty station, but did claim mileage for the second trip at the prescribed rate for an employee traveling with two family members, 19 cents per mile. See Federal Travel Regulation (FTR) 41 C.F.R. § 302-2.3(b) (1994).

In our initial decision, we allowed reimbursement for the second trip, noting that the Federal Travel Regulation does not specify that the only trip the employee may use for personal relocation travel must be the one-way trip made to report for duty at the new station. Christine G. Davis, supra, at 3.

The agency, however, questions whether that holding is consistent with our decision in George W. Lacey III, 64 Comp. Gen. 801 (1985), and decisions cited therein. The agency notes that those decisions hold that when the employee reports to and enters on duty at the new duty station, the change of station is accomplished, his or her travel expenses reimbursement becomes fixed, and reimbursement on the basis of subsequent trips between the old and new stations is not authorized.

OPINION

The travel and transportation benefits available to federal employees transferred in the interest of the government are authorized by 5 U.S.C. § 5724 (1988), and the FTR at 41 C.F.R. Part 302-2 (1994). These provisions authorize agencies to reimburse employees for the expense of their travel and for that of members of their immediate families in reporting to a new duty station by such means as may be authorized. The allowable costs may not exceed the costs of travel by the usually traveled route from the old station to the new station by the mode of travel authorized. FTR § 302-2.2(a); Gary E. Pike, B-209727, July 12, 1983; Huai Su, B-215701, Dec. 3, 1984. While generally all travel and transportation to the new duty station, including that of the immediate family, is to be accomplished as soon as possible, when travel is delayed for acceptable compelling reasons, the right to reimbursement will not be affected. M.K. Farnsworth, B-183563, May 4, 1976. The

²On this second trip, Ms. Davis's husband brought the children from their residence near Berryville to meet her in Eureka Springs. Her husband was not listed on her travel orders as an immediate family member.

regulations allow a maximum of 2 years from the effective date of the employee's transfer for the immediate family to begin such travel. FTR § 302-1.6.

When the use of a POV is authorized, the FTR provides that the mileage rate will be based on the number of occupants in the vehicle. FTR § 302-2.3. Here, the agency authorized a rate of 19 cents per mile, which was the applicable rate for an employee traveling with two immediate family members. The rate for an employee, traveling alone, would have been 15 cents per mile.

In the Lacey case, cited by the agency, after the employee and his family completed the transfer, the employee returned to his old duty station and flew back in his privately owned aircraft. The employee did not submit a claim for the initial mileage expenses that he incurred in reporting to his duty station, but instead submitted the expenses from the trip using his private aircraft. We denied his claim, holding, in effect, that he could not substitute the travel by his aircraft for the mileage expenses he incurred when he first reported to his duty station.

As the agency notes, we stated in Lacey and the cases cited therein, "when a transferred employee reports to and enters on duty at his new duty station, the change of station authorized in the travel order is accomplished and his travel expense reimbursement becomes fixed." 64 Comp. Gen. at 802 (emphasis added). Thus on this basis, when Ms. Davis completed her initial trip to her new duty station, her travel was accomplished and her expense reimbursement for that travel became fixed at the 15 cents-per-mile rate. To the extent that our May 27, 1994, decision states differently, it is modified.

Concerning reimbursement for Ms. Davis's subsequent trip to pick up her children, as noted above, when an employee's family's travel to the new duty station is delayed for acceptable reasons, the employee's right to reimbursement for such travel is not affected. Therefore, considering the ages of Ms. Davis's children, we assume that her decision to travel alone to report to her new duty station and establish temporary quarters was for acceptable reasons, and thus the delay in the children's travel did not extinguish her entitlement to reimbursement for their travel expenses. However, her travel orders contemplated that Ms. Davis's children would travel with her when she first reported for duty at her new duty station.

In a somewhat similar case, when an employee and his wife traveled by privately owned automobile from the old to the new duty station, their young daughter was unable to accompany them due to illness and remained behind in the care of a relative. She subsequently traveled to the new duty station by commercial airline. In that case we authorized reimbursement to the employee for the actual expense of the child's travel via airline, but limited to the constructive cost had the child

traveled with the employee and his wife by POV, the mode authorized. M.K. Farnsworth, supra.³ In Ms. Davis's case, although only one mode of transportation was used, two trips were made, and we think a similar basis for reimbursement is appropriate.

Accordingly, Ms. Davis may be reimbursed 15 cents a mile for her initial trip from her Berryville residence to her new duty station and she may be reimbursed 4 cents a mile for her trip from Eureka Springs to her duty station when she returned with her two children. This 4 cents represents the difference between the 15 cents-per-mile rate authorized for an employee traveling alone and the 19 cents-per-mile rate for an employee traveling with two family members that she would have been entitled to receive had she and her children traveled together when she first reported for duty at her new duty station. However, her total reimbursement may not exceed the total amount for a single one-way trip from her old duty station (Cassville) to her new duty station (Heavener) by privately-owned automobile at a rate of 19 cents per mile as authorized by Ms. Davis's travel order and the FTR.

Our previous decision, B-254837, May 27, 1994, is modified accordingly.

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

³Farnsworth was modified by William T. Lebo, B-203015, Feb. 19, 1982, to allow full reimbursement for an employee's dependents' travel via common carrier, as authorized by the FTR, and the employee travels separately by POV. Such modification does not affect the result in the present case because the dependents did not travel by common carrier, and in view of the route traveled and the ages of the children, it was clearly contemplated that they would travel by POV with the employee.