

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

FILE:

-B-183091

DATE:

OCT 20 1975

MATTER OF:

Morris D. Quarles - Per diem computation

DIGEST:

Since 2 JTR para. 1100 provides that "lodging" does not include accommodations on trains, employee who used train accommodations for two nights while performing temporary duty may not include the cost of these accommodations which was paid by Government by means of Government transportation request as cost of lodging for purpose of establishing his per diem rate under the lodgings-plus system.

This decision concerns the propriety of certifying for payment a reclaim voucher submitted by Mr. Morris D. Quarles, an employee of the Department of the Army, claiming entitlement to a higher per diem rate for a period of temporary duty travel on the basis that the per diem rate was computed improperly on his original voucher.

Mr. Quarles was authorized to travel from Rock Island, Illinois, to Fort Monmouth, New Jersey, with per diem authorized to be computed in accordance with the Joint Travel Regulations. He traveled to his temporary duty station by train, spending two nights on the train. The cost of the accommodations for the two nights on the train, at \$17 per night, was paid by the Government by means of a Government transportation request. Mr. Quarles paid a total of \$84 (\$16.80 per night) for lodging for five nights at his temporary duty station.

On his original voucher, Mr. Quarles was allowed a per diem rate of \$24. This was computed on the lodgings-plus system by dividing the total amount paid for lodgings at the temporary duty station, \$84, by the number of nights he was away from his permanent duty station, 7, to obtain the average amount paid for lodgings, \$12, to which was added \$11.80 for meals and miscellaneous expenses.

In submitting his reclaim voucher, Mr. Quarles contends that the cost of the accommodations on the train should have been included in this computation. Thus, he believes that \$118 (\$84 + \$34) should be divided by 7 to obtain an average amount paid for lodging of \$16.86. In making this contention, Mr. Quarles refers to the statement in 2 Joint Travel Regulations, para. C1100 (change 105, July 1, 1974), that the availability

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of accommodations on airplanes, trains, or ships will be taken into consideration in fixing per diem rates.

Paragraphs C8101-1 and 2a, 2 JTR (change 103, May 1, 1974), provide that the per diem rates specified are mandatory and that, except in circumstances not pertinent to this case, the per diem rate is to be fixed on the basis of the lodgings-plus system. In this regard 2 JTR, para. C10105 (change 103, May 1, 1974), provides for computing per diem under the lodgings-plus system by dividing the total lodging costs for the entire period the employee is in a travel status by the number of nights he was away from his permanent duty station. However, in defining "per diem," 2 JTR para. C1100 (change 105, July 1, 1974) provides in part as follows:

" * * * The term 'lodging' does not include accommodations on airplanes, trains, or ships which expenses are not subsistence expenses. (The availability of such accommodations will be taken into consideration in the fixing of per diem rates.)"

Since the definition of "lodging" does not include accommodations on trains, the cost of train accommodations may not be included as a cost of "lodging" for the purpose of computing the per diem rate. However, the nights on which train accommodations were used would be properly included as nights the traveler was away from his permanent duty station for the computation of per diem. Accordingly, Mr. Quarles' rate of per diem was computed properly under the applicable regulations, and his reclaim voucher may not be certified for payment.

The statement in the regulations that the availability of train accommodations will be taken into consideration in fixing per diem rates is relied on by the claimant. He believes that it requires adding the cost of the train accommodations to the cost of other accommodations in fixing the applicable rate. We disagree. The questioned provision refers to the "availability" of such accommodations and not to the "cost" thereof. We believe it means that such availability will be considered by treating the cost thereof as having been otherwise provided for by the Government and therefore as not to be added to the cost of other lodging paid for by the employee.

The cost of the train accommodations used by Mr. Quarles have been fully paid by the Government through the Government transportation request. Based on the interpretation of the regulation stated above,

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we believe that the cost of the train accommodations was properly disregarded in computing a per diem rate for Mr. Quarles.

[Deputy]

E. F. KELLER

Comptroller General
of the United States