

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

FILE: B-166802

DATE: FEB 26 1976

6570

98553

MATTER OF: Travel Expenses - Attendants for
Handicapped Award Recipients

DIGEST: Where handicapped employee selected to be honored under the Government Employees Incentive Awards Program is unable to travel unattended because of his particular handicap and would otherwise be unable to attend award ceremony, travel expenses for an attendant to accompany him in traveling to and from the award ceremony may be paid by the employing agency as a "necessary expense" for the honorary recognition of that particular employee under 5 U. S. C. § 4503 (1970). Cf. B-166802, June 13, 1975, 54 Comp. Gen. 1054.

The Chairman of the United States Civil Service Commission has requested our opinion whether payment of travel expenses may be made to an attendant who accompanies a handicapped employee to its annual special award ceremony for outstanding handicapped Federal employees or to a major honorary award ceremony by a department or agency.

The award ceremony conducted by the Civil Service Commission is in furtherance of the Government's policy of nondiscrimination in employment because of physical handicaps as set forth at 5 U. S. C. § 7153 (1970). With respect to the award ceremony itself, subchapter 9-6 of chapter 306 of the Federal Personnel Manual states as follows:

"9-6 AWARD CEREMONY

"All 10 finalists will be honored at an appropriate ceremony held in March of each year in Washington, D. C. Travel costs and per diem for the finalists (and their escorts when required, e. g., when the finalist is blind, or confined to a wheelchair, or similarly handicapped as to require assistance in travel) will be paid by the employing agency."

A question has been raised concerning the propriety of the above statement that attendant travel expenses may be paid by the employing

B-166802

agency in view of our recent holding in B-166802, June 13, 1975, 54 Comp. Gen. 1054. That decision, issued at the request of the Chairman of the Civil Service Commission, involved the question of whether the travel and transportation expenses of family members of honor award recipients could be paid by the heads of agencies as "necessary expenses" under 5 U. S. C. § 4503 (1970).

Section 4503 of title 5, United States Code (1970), provides that:

"The head of an agency may pay a cash award to, and incur necessary expense for the honorary recognition of, an employee who--

"(1) by his suggestion, invention, superior accomplishment, or other personal effort contributes to the efficiency, economy, or other improvement of Government operations; or

"(2) performs a special act or service in the public interest in connection with or related to his official employment."

In concluding that the cost of transportation and travel of family members could not be considered a "necessary expense" within the context of the above-quoted statute, we stated the following:

"In 32 Comp. Gen. 134 (1952) the question arose as to whether field employees of the Department of the Interior may be reimbursed travel and miscellaneous expenses incident to the presentation to them of the Department's Distinguished Service Award at Department convocations held in Washington, D. C. The provisions of section 14 of the Act of August 2, 1946, applicable in 1952, authorized awards for meritorious service and are similar to those contained in 5 U. S. C. § 4503.

"In interpreting the phrase 'to incur necessary expenses' with regard to travel expenses, it was stated that travel and miscellaneous expenses incurred by officers and employees for the purpose of participating in ceremonies held at a Department convocation in honorary recognition of exceptional or meritorious

B-166802

service under the incentive awards program authorized by section 14 of the Act of August 2, 1946, as amended, may be considered a direct and essential expense of the award, and within the scope and meaning of the phrase 'to incur necessary expenses' as used in the statute. However, since members of the family are not directly related to the presentation of the award, we do not consider the expense of travel of members of the family to attend the award ceremony to be a direct and essential expense of the award.

"Therefore, in the absence of express statutory authority, we conclude that the Commission may not issue regulations providing for the expenditure of funds to cover the cost of travel and transportation expenses associated with family attendance at award ceremonies."

The Chairman of the Civil Service Commission directs our attention specifically to the situation of handicapped employees and inquires whether the above-quoted decision was intended to preclude payment of travel expenses for family members of handicapped award recipients insofar as those family members serve as attendants to the employees who, without such assistance, would be unable to travel to the award ceremony. We are also asked whether agencies may pay the travel expenses of an attendant who is other than a member of the handicapped employee's family.

Our decision in B-166802, supra, was not intended to restrict payment of travel expenses of family members of award recipients insofar as those expenses may represent costs essential and directly related to the recognition of an employee selected to be honored under the Incentive Awards provisions of chapter 45 of title 5, United States Code. Ordinarily it is not essential for a family member of an award recipient to be present at or accompany the employee to the award ceremony. However, where the particular handicap of an employee is such that he is unable to travel to the award ceremony unattended, the employing agency may properly determine that the travel expenses of an attendant are "necessary expenses" for the honorary recognition of that particular employee. It is inconsequential that the attendant may or may not be a family member.

B-166802

In view of the above we conclude that the Federal Personnel Manual provision is proper and that a department or agency may pay the travel expenses of an attendant for a handicapped employee, who is to be given a Civil Service Commission or major department or agency award, and who would be unable to attend the award ceremony if no attendant accompanied him.

~~R.F. KELLEY~~
Deputy Comptroller General
of the United States