

DECISION

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

FILE: B-184489

DATE:

60762
APR 16 1976 99059

MATTER OF:

Rolf Mowatt-Larssen - Travel expenses - High-rate area - Less than 24 hours

DIGEST:

Employee traveled on official business from residence in Virginia to Boston, Massachusetts, and returned in less than 24 hours with no lodging involved. Boston is designated in the Federal Travel Regulations (FPMR 101-7) as amended by Temporary Regulation A-11, May 19, 1975, as a high-rate geographical area with a maximum rate of \$38 a day for purposes of subsistence while in a travel status. Since no other provision is made for subsistence in such area that regulation which is mandatory and provides for reimbursement on an actual subsistence expense basis, employee is entitled to reimbursement accordingly. Agency regulation setting a per diem rate for travel of 24 hours or less when no lodging is involved would have no effect in such an area.

This action is in response to a request from an authorized certifying officer of the Department of Transportation for an advance decision as to the reimbursability of \$10.50 as part of a voucher for Mr. Rolf Mowatt-Larssen, an employee of the agency, representing per diem for travel of less than 24 hours, where no lodging is involved, to a designated high-rate geographical area.

Mr. Mowatt-Larssen traveled on official business to Boston, Massachusetts, from Fairfax, Virginia, on June 16, 1975, leaving his residence at 5:45 a.m. and returning at 7:15 p.m. In addition to mileage, parking, and transportation charges totaling \$8.90 he claims \$10.50 as per diem for three-fourths of a day at \$14.

The submission letter in pertinent part states as follows:

"Based on the changes implemented by the General Services Administration in FPMR Temporary Regulation A-11, dated May 21, 1974, Paragraph 1-8.6 states that certain cities have been designated as high rate geographical areas. Reimbursement of actual expenses is automatic, not to exceed

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the specified rates for those areas where TDY is performed. However, no specification is made for trips to these areas for travel of 24 hours or less, and in the past actual expenses was based on the cost of lodging.

"Based on a Department of Transportation Notice (DOT-N-1500.10) dated May 22, 1975, a per diem rate of \$14.00 has been established for travel of 24 hours or less when no lodging is involved. But there again no specification is being made as to whether this applies to the designated high rate areas or to just the cities that are not high rate areas.

"No reference is made in either of the above-mentioned as to whether a traveler is to be paid actual expenses if travel is not in excess of 10 hours."

The Federal Travel Regulations (FPMR 101-7) para. 1-8.6 (Temporary Reg. A-11; May 19, 1975), reads in pertinent part as follows:

"1-8.6. Designated high rate geographical areas.
Pursuant to the provisions of 1-8.1b and 1-8.2a(1), for temporary duty travel to or within the cities designated as high rate geographical areas below, a traveler automatically shall be placed in an actual subsistence expense status and shall be reimbursed for the actual and necessary subsistence expenses incurred not to exceed the maximum rate prescribed for the particular geographical area involved.

"Designated High Rate
Geographical Areas

Prescribed Maximum
daily rates

"Boston, Mass. (all locations within
the corporate limits of Boston and
Cambridge, Massachusetts)-----\$38 * * *"

As indicated in the submission there are no separate provisions for reimbursement of subsistence expenses including travel of 24 hours

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or less when no lodging is involved. The agency provision of \$14 for travel of 24 hours or less would have no effect in areas covered by the mandatory provisions of para. 1-8.6. Thus, Mr. Mowatt-Larssen would be entitled to reimbursement of actual subsistence expenses not to exceed \$38.

Action on the voucher should be taken in accordance with the foregoing.

R.F. KELLER

Deputy Comptroller General
of the United States