

DECISION



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

20424

JAN 26 1976

FILE: B-183998

DATE:

MATTER OF: Herbert L. Woods - Claim for Per Diem

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DIGEST:

1. Agency for International Development (AID) employee and dependents authorized travel from Manila, Philippine Islands, to Washington, D. C., may not receive 1 day's per diem for rest stop en route even though travel exceeds 24 hours since section 132.4 of AID Manual Order No. 560.2 precludes rest stop if travel is by an indirect route.
2. Agency for International Development (AID) employee who traveled to Washington, D. C., for separation and was subsequently transferred to Washington in lieu of separation may receive per diem for temporary duty from time of arrival in Washington until official notice of transfer is received. See AID Manual Order No. 560.2, section 156.6-2.

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This action is in response to a request by Mr. Herbert L. Woods, an employee of the Agency for International Development (AID), for reconsideration of that part of our Transportation and Claims Division's (now Claims Division) settlement which disallowed 1 day's per diem for a stopover en route from Manila, Philippine Islands, to Washington, D. C., incident to a transfer of station and per diem from June 15 to July 26, 1970, while performing temporary duty in Washington, D. C.

The record shows that Mr. Woods was issued Travel Authorization No. AID-MA-70-612, dated May 27, 1970, which authorized direct travel, economy class, for the employee and six dependents from Manila to Washington, D. C., for the purpose of separation. An amendment dated May 28, 1970, authorized temporary duty for consultation in Washington. An amendment dated June 30, 1970, changed the purpose of travel from separation to leave and transfer with Washington, D. C., as the new duty station.

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We will first consider Mr. Woods' claim for 1 day of per diem for a rest stop during travel from Manila to Washington, D. C. Mr. Woods and his family, while traveling to Washington, D. C., made more than one stopover en route. However, he has claimed per diem only for the stopover in San Francisco, California. Mr. Woods was allowed per diem for direct travel on a constructive basis based on official airline schedules on file in our Office. We note that direct travel requires continuous travel for a period exceeding 24 hours.

Agency for International Development Manual Order No. 560.2, section 132.4, provides as follows:

"Any scheduled flights in excess of 14 hours on a usually traveled route, including scheduled stopovers of less than 8 hours, when traveling by less than first-class accommodations, may be interrupted for a rest period of not to exceed 24 hours. The point of interruption should be midway in the journey or as near to it as the schedule permits. Per diem and necessary miscellaneous expenses are authorized. Rest stops are not authorized when travel is performed by an indirect route." (Underscoring supplied.)

The file indicates that Mr. Woods started his travel on NWO flight number 4 on May 29, 1970, changing flights several times, and traveled from Manila via Tokyo, Honolulu, San Francisco, Chicago, Pittsburgh, arriving in Washington, D. C., June 14, 1970. The airline schedule in our Office shows that Mr. Woods could have traveled by a direct route on NWO flight number 4 on May 29, 1970, via Tokyo, Seattle to Chicago, then changing to UA flight number 130 arriving at the Washington, Baltimore airport at 12:52 a. m., May 30, 1970.

Accordingly, since Mr. Woods traveled by an indirect route in returning to the United States, he is not entitled to be reimbursed for 1 day's per diem for a rest stop.

We now consider the claim for per diem for temporary duty in Washington, D. C., from June 15 to July 26, 1970. This claim was disallowed by our Transportation and Claims Division (now Claims Division) under AID Manual Order No. 560.2, sections 156.6-1 and 156.6-4. Section 156.6-1 provides that no per diem is payable for consultation at the place of residence for service separation.

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Section 156.6-4 provides that no per diem is payable for consultation if the leave destination of the employee is in the same metropolitan area as the post to which he is transferred.

Since Mr. Woods was not separated, section 156.6-1 is not applicable to this situation. Likewise, since Mr. Woods was not transferred to Washington until June 30, 1970, i. e., 2 weeks after his arrival, section 156.6-4 is not applicable. The regulation which should have been used is section 156.6-2:

"When an employee is detailed from his post to a temporary duty post and is subsequently transferred to that post, the per diem allowance is payable commencing with the day the employee leaves his permanent post and continues through midnight of the day preceding the date on which he receives official notification of his transfer to new post, or continues to the effective date of transfer, whichever is shorter."

Mr. Woods received notice of his transfer on June 30, 1970. The effective date of the transfer was July 26, 1970. The shorter period is the time between Mr. Woods' arrival in Washington on June 15, 1970, and his official notification of transfer on June 30, 1970. Accordingly, per diem may be allowed for that period, if otherwise correct. No per diem is allowable for the period from July 1 to July 26, 1970.

R.F. KELLER

Deputy Comptroller General
of the United States