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**DECISION**



Marilynn Eaton  
Civ. Pers.  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20542

FILE: **B-122739**

DATE:

**FEB 10 1977**

MATTER OF: **Arnaud J. Loustalot -- Indebtedness  
for Cost of Travel Expenses**

**DIGEST:**

1. Government is liable for reimbursable expenses of employee traveling on leave via indirect route to official meeting which he is unable to attend due to cancellation of all flights to city where meeting is being held, so long as expenses do not exceed direct travel costs and employee would not have traveled at all except for official meeting.
2. Charge of annual leave for time spent returning to headquarters from annual leave point after temporary duty has been cancelled is matter for agency discretion.

This action is in response to a request dated August 9, 1976, from Orris C. Huet, an authorized certifying officer of the National Finance Center, United States Department of Agriculture, requesting our decision whether Mr. Arnaud J. Loustalot, an employee of the Cooperative State Research Service, Washington, D.C., is indebted to the Government for expenses incurred while traveling via New Orleans, Louisiana, to an official meeting in Chicago, Illinois, which he was unable to attend due to cancellation of all flights to that city during inclement weather.

Mr. Loustalot was authorized to travel from Washington to Chicago and return to attend a meeting on December 12 and return the following day, December 13, 1974. For personal reasons, he elected to leave Washington on Saturday, December 7, 1974, for New Orleans, where he remained on annual leave until the following Thursday, December 12, 1974. Arriving at the New Orleans airport on December 12, 1974, for his scheduled flight to Chicago, Mr. Loustalot was informed that service to that city's airport [O'Hare] had been halted because of bad weather and would not be resumed until at least 6 p.m. If he had waited until that time, Mr. Loustalot would have been able to attend the Friday, December 13, 1974, session of the Chicago meeting. However, he states, he considered that session "irrelevant" compared with the

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Thursday session which he had missed and to which he felt he would have contributed significantly. He therefore determined that it would be to the Government's advantage, both in terms of cost and use of his own time, to return directly to Washington on the next available flight. Mr. Loustalot left New Orleans by Delta Airlines on December 12, 1974, at 1:50 p.m., arriving in Washington at 6:20 p.m.

Government Travel Request (GTR) No. B-4,675,289 was issued for round trip air travel from Washington to Chicago and return for the amount of \$120.73. Mr. Loustalot personally paid an additional \$109.74, since round trip air fare from Washington to Chicago via New Orleans was \$230.47. When he exchanged the unused portion of his ticket to Chicago, in order to return directly to Washington, a refund of \$49.74 was due since round trip from Washington to New Orleans was only \$180.73. Mr. Loustalot requested that the refund be applied to the GTR. He estimates that had he gone to Chicago, his trip would have cost the Government \$165: \$120 air fare, \$30 per diem, and \$15 taxi fares.

A proposed travel voucher prepared by the Administrative Officer, Cooperative State Research Service, sought reimbursement from Mr. Loustalot of \$70.99, the difference between the \$120.73 round trip fare to Chicago charged to the GTR and the \$49.74 refund. Mr. Loustalot took exception to this voucher, arguing that he should not be required to pay the full cost of the trip from Washington to New Orleans and return and that he should not be charged annual leave for Thursday, December 12, 1974. A second proposed travel voucher, signed by Mr. Loustalot, shows that neither he nor the Government owe anything.

The certifying officer asks whether Mr. Loustalot is indebted to the Government, if so, to what extent, and whether he correctly was charged annual leave for December 12, 1974.

We have consistently held that an employee assigned to temporary duty who departs prematurely for an alternate destination on authorized annual leave which he would not have taken but for the temporary duty should not be penalized by subsequent cancellation of the temporary duty assignment. See 52 Comp. Gen. 861 (1973); 36 id. 421 (1956); 30 id. 36 (1950); B-175427, April 14, 1972.

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In the instant case, although the official meeting which Mr. Loustalot was to attend had not been cancelled, his inability to reach Chicago was due to circumstances beyond his control. We believe the same rationale should apply, provided that his scheduling of annual leave in New Orleans was a direct consequence of the Department of Agriculture's scheduling of his attendance at the meeting in Chicago.

Therefore, the Government is liable for reimbursable expenses incurred by Mr. Loustalot up to the amount which he would have incurred had he traveled directly from Washington to Chicago, in this case limited to \$120.73, the round-trip air fare, since expenses for per diem and taxis in Chicago were not actually incurred. This amount was covered by the GTR. Mr. Loustalot is liable for \$60, the difference between the round trip air fare from Washington to Chicago, \$120.73, and the round trip air fare from Washington to New Orleans, \$180.73. Since Mr. Loustalot already has paid \$109.74, the \$49.74 refund should go to him rather than being applied against the GTR (\$109.74 minus \$49.74 equals \$60). Assuming the \$49.74 has been credited to the Government, Mr. Loustalot is entitled to recover that amount if it is administratively determined that but for the official trip to Chicago, he would not have traveled to New Orleans.

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

As for whether Mr. Loustalot should be charged annual leave for Thursday, December 12, 1974, when he returned from New Orleans to Washington, that is a matter for agency action consistent with the administrative determination on travel expenses under this decision.

R.F. KELLEY

Deputy Comptroller General  
of the United States