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DECISION



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

FILE: B-188096

DATE: April 6, 1977

MATTER OF: George S. Barnard - Travel - Immediate Family

DIGEST: Employee of Internal Revenue Service stationed in Mexico City, Mexico, may be reimbursed for home leave travel of divorced 28-year old daughter since she is member of his household, unmarried and incapable of supporting herself because of mental illness and, therefore, is member of employee's immediate family as defined by FTR para. 2-1.4d. However, grandson's travel expenses are not reimbursable although employee is guardian, since such child is not member of immediate family under FTR definition.

By a letter dated December 28, 1976, Ms. Mary E. Wills, an authorized certifying officer of the Internal Revenue Service, Department of the Treasury, requests an advance decision regarding the claim of Mr. George S. Barnard for travel expenses of his daughter and grandson incurred incident to his home leave.

The record shows that Mr. Barnard, an employee of the Internal Revenue Service in Mexico City, Mexico, took home leave in September 1976. He claims transportation for his 28-year old divorced daughter and his 9-year old grandson, who accompanied him and are members of his household. His daughter is suffering from a mental illness. Mr. Barnard is the legal guardian of his grandson. The certifying officer inquires as to whether the travel expenses of the daughter and grandson may be paid.

In submitting his claim Mr. Barnard cited paragraph 117k(2), volume 6, of the Foreign Affairs Manual, which defines children to include those under the legal guardianship of the employee. The Foreign Affairs Manual is, in general, applicable only to Foreign Service employees of the Department of State. See 6 FAM 110-113. Although Mr. Barnard's duty station is outside the continental United States, he is an employee of the Internal Revenue Service and the record indicates that his travel entitlements are governed by the provisions of the IR Manual and the Federal Travel Regulations, not the Foreign Affairs Manual.

B-148096

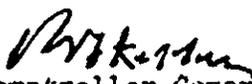
The Federal Travel Regulations, FPMR 101-7 (May 1973), which regulate home leave travel for Government employees, contains the following definition at paragraph 2-1.4d:

"d. Immediate family. Any of the following named members of the employee's household at the time he reports for duty at his new permanent duty station or performs authorized or approved overseas tour renewal agreement travel or separation travel: spouse, children (including step-children and adopted children) unmarried and under 21 years of age or physically or mentally incapable of supporting themselves regardless of age, or dependent parents of the employee and of the employee's spouse."

Only those persons included in the above definition of immediate family are eligible for home leave travel at Government expense. FTR para. 2-1.3 (May 1973).

The record indicates that Mr. Barnard's daughter is unmarried and incapable of supporting herself because of mental illness. Therefore, she is a member of his immediate family, as defined by FTR para. 2-1.4d, and her expenses may be reimbursed. However, grandchildren and those under the legal guardianship of an employee are not members of the immediate family for purposes of the regulation. 48 Comp. Gen. 457 (1969). Consequently, Mr. Barnard may not be reimbursed for the cost of his grandson's travel.

Accordingly, the voucher of Mr. George S. Barnard may be certified for payment in accordance with the above.


Acting Comptroller General
of the United States