

DOCUMENT RESUME

02280 - [A1332309]

[Reimbursement Claim for Travel Expenses to and from Work].
B-188045. May 9, 1977. 3 pp.

Decision re: Thomas L. Faith; by Paul G. Deubling, General
Counsel (for Elmer B. Staats, Comptroller General).

Issue Area: Personnel Management and Compensation: Compensation
(305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel
Management (805).

Organization Concerned: Defense Supply Agency, Ogden, UT.

Authority: 11 Comp. Gen. 417. 15 Comp. Gen. 342. 19 Comp. Gen.
836. 36 Comp. Gen. 450. 32 Comp. Gen. 67. B-184608 (1976).

W. J. Perry, Accounting and Finance Officer for the
Defense Supply Agency, requested a decision concerning a claim
for round trip mileage differential and tolls representing the
additional commuting mileage between his residence and his new
permanent duty station. The employee may not be reimbursed for
the transportation costs of commuting to a new job location,
since the assignment was permanent rather than temporary, and
commuting costs to a permanent duty station must be borne by the
employee. (Author/SC)

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Herbert Dunn

Civ. Pers.



DECISION

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

FILE: B-188045

DATE: May 9, 1977

MATTER OF: Thomas L. Smith - Travel expenses to and from work

DIGEST: Employee was assigned from National City, California, to North Island, California. Employee may not be reimbursed transportation costs of commuting to new job location since record indicates assignment was permanent, not temporary, and costs incurred in commuting between residence and permanent duty station are to be borne by employee.

This action is in response to a request by Mr. W. J. Perry, Accounting and Finance Officer, Defense Supply Agency, Ogden, Utah, for our decision concerning a claim by Mr. Thomas L. Smith for round trip mileage differential and tolls representing additional commuting mileage between his residence and his place of duty as an employee of the Defense Supply Agency. The request was forwarded to this Office by letter dated December 16, 1976, from the Per Diem, Travel and Transportation Allowance Committee, reference PDTATAC No. 76-26.

The record shows that Mr. Smith was assigned from National City, California, to North Island, California, on February 24, 1973, pursuant to his request. It is reported that the appropriate personnel paperwork necessary to effect such a transfer was requested at that time but the paperwork for this transfer action was not processed in a timely manner. However, a Request for Personnel Action, Standard Form 52, dated April 6, 1976, with an effective date of April 18, 1976, was issued to accomplish the change in duty stations from National City to North Island for Mr. Smith.

Mr. Smith is claiming mileage and tolls in the amount of \$781.70 on the basis that his oral transfer from National City to North Island was not a permanent transfer and, therefore, he was entitled to be reimbursed for the mileage between National City and North Island as though he had traveled it each day in the performance of temporary duty. In effect he

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is asking to be paid mileage for the increased commuting distance between his home and North Island, as compared with the distance between his home and National City, on a constructive basis.

Decisions of this Office have consistently held that no authority exists for reimbursement of an employee for the expenses incurred in traveling from his residence to his place of business. This is an expense which must be borne by the employee. See 11 Comp. Gen. 417 (1932); 15 id. 342 (1935); 19 id. 836 (1940); 36 id. 450 (1956).

The location of the official station of an employee presents a question of fact and is not limited by the administrative designation. But it has been consistently held by this Office that an employee's official duty station is the place at which he performs the major part of his duties and is expected to spend the greater part of his time. 32 Comp. Gen. 87 (1952). Furthermore, since the question of the location of an employee's workplace is essentially a factual matter, such determinations are primarily matters for the administrative agency.

In the instant case Mr. Smith claims travel expenses incident to a temporary assignment and the agency states that his assignment was permanent. It is a well-established rule that where there is a dispute between the claimant and the administrative agency as to the facts, those reported by the administrative agency will be accepted by this Office in the absence of evidence sufficient to overcome the presumption of the correctness thereof. B-184608, September 9, 1976, and cases cited therein.

The record shows that employees who were assigned to North Island for temporary rotation tours of 3 months were reimbursed for travel expenses. However, Mr. Smith's supervisor states that his assignment was intended to be permanent, and he performed his duties regularly at North Island for more than a year when his written transfer was issued. Upon the present record we find no proper basis to disagree with the determination by the Defense Supply Agency that North Island was Mr. Smith's official duty station during the period in question.

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Accordingly, the voucher may not be paid.

Paul B. Hewitt
For the Comptroller General
of the United States



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

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MAY 9 1977

The Honorable S. I. Hayakawa
United States Senator
880 Front Street
San Diego, California 92101

Dear Senator Hayakawa:

We refer further to your letter dated March 25, 1977, on behalf of Mr. Thomas L. Smith, 170 Lotus Drive, Chula Vista, California, concerning his claim for travel expenses to and from work as an employee of the Defense Supply Agency.

Enclosed is a copy of our decision of today wherein it was determined that Mr. Smith was assigned permanently to North Island and may not be reimbursed commuting expenses. We trust that this is responsive to your inquiry.

Sincerely yours,

Paul G. Donahoe

For the Comptroller General
of the United States

Enclosure