

DOCUMENT RESUME

02297 - [A1572564]

[Travel Expenses of Attendant for Handicapped Consultant].
B-187492. May 26, 1977. 3 pp.

Decision re: H. W. Schultz; by 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: Energy Research and Development
Administration.

Authority: Rehabilitation Act of 1973 (P.L. 93-112; 87 Stat.
355). Rehabilitation Act Amendments of 1974 (P.L. 93-516; 88
Stat. 1617). 5 U.S.C. 5702(b), 5703 (Supp. V). 5 U.S.C.
4503. 5 U.S.C. 7153. 29 U.S.C., ch. 16 (Supp. V). 29 U.S.C.
792. B-166411 (1975). B-151701 (1963). B-84024 (1949).
B-176128 (1972). B-174342 (1971). B-169917 (1970). B-186598
(1977). 27 Comp. Gen. 52. 53 Comp. Gen. 800. 54 Comp. Gen.
1054. F.P.M. ch. 306, subch. 4.

Robert L. Leith, Chief, D.C. Accounting Branch, Office
of the Controller, ERDA, requested an opinion on the voucher for
travel costs of an attendant for a handicapped consultant who
cannot travel alone. Such expenses are allowed as necessary to
the conduct of official business and consistent with
congressional intent to employ the handicapped. (Author/DJM)

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M. Volpe
C. P.

DECISION



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

FILE: B-187492

DATE: May 26, 1977

MATTER OF: H.W. Schulz - Travel expenses of attendant
for handicapped consultant

DIGEST: Consultant employed intermittently claims travel expenses for an attendant since he is blind and cannot travel alone. Travel expenses of attendant to handicapped employee may be allowed as necessary to the conduct of official business and consistent with explicit Congressional intent to employ the handicapped and prohibit discrimination based on physical handicap.

This action is in response to a request dated September 22, 1976, for an advance decision from Robert L. Leith, Chief, D.C. Accounting Branch, Office of the Controller, Energy Research and Development Administration (ERDA), concerning payment on the travel voucher of Mr. H.W. Schulz, a consultant to ERDA serving on an intermittent basis, for the transportation expenses of an attendant. Mr. Schulz is blind and requires the assistance of a companion when traveling to an unfamiliar area. His wife has served as his traveling companion and reader for 35 years. The specific claim is for round-trip airfare for his wife who accompanied him on a trip from New York City to Washington, D.C., on May 20, 1976, on official business.

The authority for the payment of travel and transportation expenses for experts and consultants is contained in 5 U.S.C. 5703 (Supp. V, 1975), which provides that:

"An employee serving intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis, or serving without pay or at \$1 a year, may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business and at the place of employment or service."

The statute and the implementing regulations contained in the Federal Travel Regulations (FPMR 101-7) (May 1973) do not specifically provide for reimbursement of the travel expenses of an attendant for a handicapped person. Also, our prior decisions have held that expenditures for special equipment or assistance for a handicapped or disabled employee on temporary duty are personal to the employee. 27 Comp. Gen. 52 (1947); B-166411, September 3, 1975; B-151701, July 3, 1963; and B-84024, April 18, 1949. However, in recent

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decisions we have held that similar expenses are allowable under certain circumstances. In situations where an employee is on temporary duty and becomes ill to such an extent that the services of an attendant are necessary for the employee's return travel to his permanent duty station, we have permitted reimbursement for the transportation expenses of the attendant under the authority of 5 U.S.C. 5702(b) (Supp. V, 1975). B-176123, August 30, 1972; B-174242, November 30, 1971; and B-169917, July 13, 1970.

In addition we have held that when a handicapped employee is unable to travel to a ceremony for his honorary recognition without an attendant the travel expenses of the attendant are "necessary expenses" under 5 U.S.C. 4503 (1970). 53 Comp. Gen. 800 (1976). It was also held to be inconsequential whether or not the attendant is a family member, distinguishing 54 Comp. Gen. 1054 (1975).

Within the Federal Government there is a commitment to employ the handicapped and to prohibit discrimination because of physical handicap. See 5 U.S.C. 7153 (1970) and the Federal Personnel Manual, chapter 306, subchapter 4. Congressional intent favoring employment of the handicapped is also evidenced in the Rehabilitation Act of 1973, Public Law 93-112, 87 Stat. 355 (1973), and the Rehabilitation Act Amendments of 1974, Public Law 93-516, 88 Stat. 1617 (1973), which are codified in title 29, United States Code, chapter 16 (Supp. V, 1975).

Section 792 of title 29, United States Code, established the Architectural and Transportation Barriers Compliance Board which has the responsibility to insure the accessibility by the handicapped to Federally occupied or funded buildings and facilities and to determine to what extent transportation barriers impede the mobility of handicapped persons. The Board has advised our Office that:

"* * * it would be a frustration of the underlying legislative intent to provide greater employment opportunities to the disabled and to identify and eliminate discriminatory practices if the handicapped employees in these cases were made to bear the expenses actually necessary for them to execute their employment."

After careful consideration, we conclude that when an agency determines that a handicapped employee, who is unable to travel without an attendant, should perform official travel, the travel expenses of an attendant are "necessary travel expenses" incident to the employee's travel. Such necessary travel expenses may include transportation expenses and per diem. See Matter of John F. Collins, B-186598, dated today.

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In the instant case, the travel in question was properly authorized by the agency and the Director, Office of Commercialization, the hiring office, has determined that the employee required an attendant.

Accordingly, the voucher of H.W. Schulz for the round-trip airfare of his wife, as a traveling attendant, may be paid in accordance with the above, if otherwise correct.

James B. Steele

Comptroller General
of the United States