

DOCUMENT RESUME

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[Travel Expenses: While on Leave]. E-187926. June 8, 1977. 5 pp.

Decision re: Wallace W. Tanaka; by Robert F. Keller, Deputy 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: Drug Enforcement Administration.

Authority: B-183245 (1975). B-177641 (1973). 24 Comp. Gen. 443.

16 Comp. Gen. 481. F.T.R. (PPMR 101-7), para. 1-2.2c(4).

F.T.R. (PPMR 101-7), para. 1-8.1.

Edwin J. Fost, Chief, Accounting Section, Office of Controller of the Drug Enforcement Administration, requested a decision on the claim for travel expenses of employee stationed in Japan who was orally ordered to temporary duty in California while on leave in United States. Without prior authority, auto rental was not reimbursable. Employee's return trip to Japan may not be reimbursed unless temporary duty had prior approval before his leaving Japan. (Author/DJM)

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**DECISION**



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

**FILE: B-187926**

**DATE: June 8, 1977**

**MATTER OF: Wallace W. Tanaka - Travel Expenses  
While On Leave**

- DIGEST:**
1. Employee of Drug Enforcement Administration who was orally ordered to temporary duty in Los Angeles while on leave in United States from duty station in Japan may not be reimbursed for automobile rental in absence of authorization or approval thereof as required by FTR para. 1-2.2c(4). However, if a properly designated official approves such expense, GAO would have no objection to payment.
  2. Employee of Drug Enforcement Administration who was ordered to temporary duty in Los Angeles while on leave in United States from duty station in Japan may not have cost of return travel to Japan paid by Government unless employee's temporary duty was approved prior to his departure from Japan. 24 Comp. Gen. 443 (1944) and 16 id. 481 (1936).

This decision is in response to a request dated November 24, 1976, from Mr. Edwin J. Fost, Chief of the Accounting Section, Office of Controller of the Drug Enforcement Administration, Department of Justice (DEA). Mr. Fost inquires concerning the claim of Mr. Wallace W. Tanaka, an employee stationed in Japan, for travel expenses incurred when Mr. Tanaka, while on leave in the United States, was ordered to perform temporary duty in Los Angeles, California.

Mr. Tanaka's travel expenses arose as follows. Mr. Tanaka left his duty station in Tokyo for leave in the United States on June 7, 1973. On June 18, 1973, while on leave in Cayucos, California, he received a telephone call at approximately 8 a.m. and received oral instructions to report later that day for temporary duty in Los Angeles, California, to appear in court in connection with a smuggling investigation in which he had participated. Mr. Tanaka states that on June 18, 1973, he called all the available air lines in the area of Cayucos for a flight to Los Angeles with negative results. He then attempted to rent a vehicle through the local rental agencies with negative results. Mr. Tanaka then borrowed his brother-in-law's automobile and agreed to pay him fees equivalent to commercial auto rental fees. Mr. Tanaka drove to Fresno, California, a distance which he states was approximately

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172 miles where he obtained a flight to Los Angeles. The Rand McNally Standard Highway Mileage Guide shows the distance between Cayucos and Fresno as approximately 133 miles.

Mr. Tanaka's temporary duty lasted for 4 days, from June 18 to June 22, 1973, when he returned to Cayucos to resume his vacation. Mr. Tanaka then requested that his leave be extended due to its interruption for temporary duty. His request was not granted. However, he was told that the Government would pay for his return travel from San Francisco to Tokyo and a GTR was issued to Mr. Tanaka.

Upon returning to Japan, Mr. Tanaka filed a travel voucher on July 18, 1973, in the amount of \$269.72, as follows:

a. Cost of automobile rental	\$ 87.04
b. Gasoline	6.65
c. Air fare L. A. to Fresno	16.37
d. Air fare Fresno to L. A.	16.37
e. Subsistence in L. A.	122.51
f. Expenses during return to Japan	20.78
TOTAL	<u>\$ 269.72</u>

By a memorandum from the Controller, San Francisco District, DEA, dated July 22, 1975, the following expenses were disallowed with certain other allowances substituted:

"Total claimed		\$269.72
Disallowed:		
a. Cost of 'rental' of automobile (method of computation not authorized)	\$ 87.04	
b. Gas for vehicle	6.65	
c. Subsistence claimed in absence of authority for actual expenses	122.51	
d. Expenses on 7/2-4/73	<u>20.78</u>	
Total reductions		236.98
Adjustments:		
a. Mileage for POV at 12c per mile - 344 miles	41.28	
b. Per diem at \$25.00 for 4 days while in Los Angeles for trial	<u>100.00</u>	
Total additions		141.28
Approved voucher		<u>\$174.02"</u>

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In addition, DEA requested repayment of \$441, the value of the GTR used by Mr. Tanaka for return travel to Japan, stating that the GTR was inadvertently issued without proper authority, citing our decisions 24 Comp. Gen. 443 (1944) and 16 id. 481 (1938). Those decisions state the general rule that, when an employee absents himself from his official station for personal reasons, the cost of returning to the station is a personal expense. Only when an employee is authorized prior to departure on annual leave to proceed on official travel to a temporary duty station and return is he entitled to travel expenses and then only those expenses which would have been incurred had he traveled directly to the temporary duty station from his headquarters and return.

Mr. Tanaka contests the disallowance of automobile rental and subsistence expenses, as well as the request for repayment of air fare and the disallowance of related travel expenses. In addressing Mr. Tanaka's contentions, we shall consider the claim for travel expenses incurred in Los Angeles and the matter of the travel expenses and air fare to Japan separately.

#### Temporary Duty Expenses in Los Angeles

Applicable regulations in force at the times in question here, governing reimbursement of actual subsistence expenses and automobile rentals, i. e., special conveyances, are found in the Federal Travel Regulations (FPMR 101-7) (May 1973). FTR para. 1-8.1 then required specific approval by a properly authorized official before an employee could receive actual subsistence expenses. Likewise, FTR para. 1-2.2c(4) required specific authorization for the use of a special conveyance. In the absence of such authorization in the instant case, the Controller correctly disallowed Mr. Tanaka's claim for auto rental and subsistence expenses and properly substituted per diem and mileage.

However, the record indicates that no written orders were issued for Mr. Tanaka's temporary duty travel from Cayuco's to Los Angeles and return. And, it appears that no consideration was given as to what travel expenses are proper when an employee on annual leave is ordered to proceed to a temporary duty station. Under the circumstances of this case, it does not appear that it would have been unreasonable to authorize the use of a special conveyance. Accordingly, should a properly designated official approve the use of a special conveyance, we would have no objection to payment thereof. See FTR 1-2.2c(4).

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Return Travel to Japan

We now consider the employee's claim for travel expenses in returning to Japan and the agency's request for repayment of the return air travel to Japan. The DEA Controller's Office states that Mr. Tanaka was inadvertently issued a GTR and that, under our decisions 24 Comp. Gen. 443, supra, and 16 id. 481, supra, Mr. Tanaka must reimburse the Government for the cost of his travel in the amount of \$441. We agree with the agency's application of our decisions to this matter. Since the Government is not liable if an official exceeds his authority by granting a benefit in excess of that authorized by law, B-183246, April 10, 1975; B-177641, March 1, 1973, the DEA Controller's Office was correct in disallowing the claim for travel expenses from the United States to Japan and in requesting repayment of the air fare.

Mr. Tanaka contends, however, that under 24 Comp. Gen. 443, supra the cost of his return travel should be borne by the Government. He states that the United States District Attorney in Los Angeles requested his presence well in advance of his June 7, 1973, departure to the United States. Thus, Mr. Tanaka contends that his temporary duty had been approved before he left Japan. He believes the only difference between his case and 24 Comp. Gen. 443, supra, is that he had not been notified of the temporary duty at the time of his departure.

It was held in 24 Comp. Gen. 443, supra, that an employee who was authorized prior to departure on annual leave from his headquarters, to proceed on official travel from the place of leave to a temporary duty station and return to his headquarters is entitled to be paid traveling expenses not to exceed what would have been incurred had he traveled directly from headquarters to the temporary duty station. There was no travel order issued to Mr. Tanaka prior to his departure on annual leave to perform temporary duty at Los Angeles.

The agency's request is silent as to when Mr. Tanaka's temporary duty in Los Angeles was actually authorized. The only evidence in this regard is a telegram sent from BNDD headquarters in Washington, D. C., to his duty station in Japan on June 16, 1973, authorizing Mr. Tanaka and two other agents to proceed on June 17, 1973, for temporary duty in Los Angeles. The facts before us indicate that the temporary duty was approved after Mr. Tanaka left Japan. Therefore, the cost of the return travel to Japan should be collected from the employee.

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Accordingly, action on the claim should be taken in accordance with the foregoing.

  
Deputy Comptroller General  
of the United States