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E. Harris
Chas. P. ...

DECISION



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

FILE: B-189210

DATE: February 8, 1978

MATTER OF: William G. Aubertin

DIGEST: Where employee traveled to training course under travel authorization providing for per diem at cost of lodgings plus \$16 rate for period of travel, he is entitled to that rate until he reached training center where different rate took effect. Agency memo establishing flat \$16 rate for employees whose travel does not necessitate their spending the night en route does not preclude authorization of per diem at higher rate for travel to or from training center where overnight lodgings are required en route.

This action results from a letter dated May 25, 1977, from Charles L. Remy, a certifying officer for the National Park Service, requesting a decision as to the amount of per diem Mr. William G. Aubertin, an employee of the National Park Service, is entitled to for travel he performed on March 5 and 6, 1977.

Mr. Aubertin was authorized travel commencing on or about March 5, 1977, from Fort Spokane, Washington, to Glynco (Brunswick), Georgia, and back, to attend a course, Law Enforcement Refresher Training. A memorandum dated November 24, 1976, from the Chief Training Officer for the National Park Service established a per diem rate of \$4 for employees while in residence at the Federal Law Enforcement Training Center, Brunswick, during courses and otherwise stated: "Since very few participants must travel overnight to reach Brunswick, per diem for that travel day is only \$16." Mr. Aubertin's travel authorization, No. TA926070023 dated February 4, 1977, under item 11 which was entitled Per Diem Allowance, stated: "Lodging cost plus \$16 in route to training center. \$4.00 per day while in attendance at training center."

In accordance with his travel authorization, Mr. Aubertin commenced travel on March 5, at 4 p.m. He stayed at a motel that

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night, and continued his travel departing the following morning at approximately 7 a.m., and arriving at the training center at 9:30 p.m., on March 6.

Mr. Aubertin claimed per diem at a \$34 rate (his average lodging cost plus \$16), for this travel. His claim was only allowed at the \$34 rate, however, for the time he was in a travel status on March 5, and for the first half of March 6. He was paid at the \$16 rate prescribed in the previously-mentioned memorandum of November 24, 1976, for the second half of March 6. The certifying officer states that the reason Mr. Aubertin was paid per diem in this manner is that at the end of the quarter during which he commenced travel on March 6, his rate was considered to have changed to that \$16 en route per diem rate consistent with Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973) paragraph 1-7.6d(2) which states that when there is a change in per diem rate during a day, the rate of per diem in effect at the beginning of the quarter in which the change occurs continues until the end of that quarter.

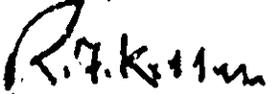
Mr. Aubertin is entitled to the \$34 rate for his travel on March 5 and for all of March 6. His travel authorization provided that he was entitled to per diem based on his lodging cost plus \$16 until he arrived at the training center and his right to be paid at that rate, in the absence of clear error in connection with its authorization, became fixed when he commenced this travel. Matter of Dr. Elynore Cucinell, B-187453, September 30, 1977; B-174662, May 3, 1972. There is no indication of any error in connection with Mr. Aubertin's travel authorization. The statement in the memorandum of November 24, 1976, cited as the basis for paying Mr. Aubertin at the \$16 rate for the final half of March 6, appears to have been intended to apply to persons whose travel to the training center would not necessitate their spending the night en route and would not appear to preclude authorization of a different rate where travel to or from the training center would involve overnight travel.

An examination of the documents provided by the certifying officer reveals certain inconsistencies that should be resolved before Mr. Aubertin's per diem entitlement may be recomputed in accordance with the above discussion. With an exception not pertinent in this case, FTR, para. 1-7.6e provides that for computing per diem travel begins at the time the employee leaves

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his home, office or other point of departure. With respect to computation of the employee's per diem entitlement, FTR, para. 1-7.6d(2) provides that one-fourth of the per diem for a calendar day shall be allowed "for each period of 6 hours or fraction thereof." Since Mr. Aubertin's travel commenced at 4 p.m., on March 5, it would appear that he is entitled to per diem for the last two quarters of that day. While this is correctly noted on the unsigned voucher difference statement, the certifying officer's letter indicates that the employee claimed and was allowed per diem only for the final quarter of that day.

The training course ended at noon on March 11 and Mr. Aubertin left the training center at 9 p.m., that afternoon, remained overnight at a hotel in Jacksonville, Florida, and continued on to Fort Spokane the following morning, arriving home at 5:20 p.m., on March 12. Whereas it appears that Mr. Aubertin should have been regarded as no longer in residence at the training center as of the beginning of the fourth quarter of March 11 for purposes of applying the \$4 per diem rate, the voucher difference statement indicates that he was paid at the \$4 per diem rate through the first quarter of the following day.


Deputy Comptroller General
of the United States