

**DECISION**



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

*PLM E*  
*7864*

FILE: B-191282

DATE: September 29, 1978

MATTER OF: Walter D. Felzke - Claim for Travel Expense

**DIGEST:** Employee traveled as passenger in privately owned automobile and shared expenses, instead of by common carrier or other mode of travel specified in his travel authorization. He is entitled to reimbursement of amount claimed not to exceed constructive cost of travel by least expensive mode authorized, unless the driver of the automobile was also a Federal employee who received mileage.

This action is in response to the request for an advance decision from Winnifred L. Sikes, authorized certifying officer, Southwestern Power Administration, Department of Energy, concerning payment of a reclaim travel voucher for Walter D. Felzke, an employee of the Department of Energy.

Mr. Felzke was authorized under a blanket travel authorization, no. 78-310-1, dated September 27, 1977, to travel on official agency business from his duty station, Tulsa, Oklahoma, to any point in the United States, and return to Tulsa, during the period October 1, 1977, through September 30, 1978. The authorization is for travel by common carrier, Government-owned conveyance, or privately owned automobile subject to administrative determination of advantage to the Government. The reclaim voucher concerns a trip between Tulsa and New Orleans, Louisiana, from November 1 to November 4, 1977. On this occasion, Mr. Felzke elected to travel as a passenger in a privately owned automobile (POA), and to pay the vehicle owner one-half of the "transportation expenses" for this trip. In his travel voucher, Mr. Felzke listed this expense as \$71. This \$71 item was disallowed by the certifying officer. Her basis for disallowance was that "travel was not performed in accordance with mode of travel authorized."

Federal Travel Regulations (FTR) (FPMR 101-7, May 1973) para. 1-4.3 provides in pertinent part, that:

"When use of privately owned conveyance is in lieu of common carrier transportation. Whenever a privately owned conveyance is used for official purposes as a matter of personal

B-191282

preference in lieu of common carrier transportation under 1-2.2d, payment for such travel shall be made on the basis of the actual travel performed, computed under 1-4.1 at the mileage rate prescribed in 1-4.2a plus the per diem allowable for the actual travel. The total allowable shall be limited to the total constructive cost of appropriate common carrier transportation including constructive per diem by that method of transportation. \* \* \*

On the basis of this provision, our Office has held that an employee is entitled to reimbursement for the constructive cost by the mode of travel authorized although he traveled by POA after his request for authorization to use a POA had been specifically denied by his agency. Reimbursement was made since the constructive cost claimed was less than that for mileage and the use of a POA was not incompatible with the performance of the employee's official business, as specified in FTR para. 1-2.2d. Lawrence F. Newell, B-181151, January 3, 1975. In this case, there is no indication in the record that Mr. Felzke's use of a POA was incompatible with his official business.

It should be noted, however, that paragraph 1-4.5 of the FTR provides in pertinent part:

"More than one person in conveyance.  
Mileage shall be payable to only one of two or more employees traveling together on the same trip and in the same conveyance. \* \* \*  
(See 1-11.5d.)"

In addition, FTR para. 1-11.5d provides:

"Reporting payments to other employees.  
Reimbursement shall not be allowed for payments made to other Government employees for transportation expenses, except in cases of necessity, which shall be satisfactorily explained. (See 1-4.5.)"

Thus, Mr. Felzke would not be entitled to any reimbursement if the driver of the PJA with whom he shared expenses was a Federal employee who has been allowed mileage.

D-191282

In accordance with the foregoing, if the driver of the POA in which Mr. Felzke traveled was a Federal employee who has been allowed mileage, then no further travel reimbursement is due to Mr. Felzke. If the driver was not a Federal employee, then Mr. Felzke is entitled to reimbursement not to exceed the constructive cost by the least expensive of the modes of travel specified in his travel authorization.

The reclaim voucher should be processed in accordance with the above if otherwise correct.

  
Acting Comptroller General  
of the United States