

DECISION



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

9731

FILE: B-192540 DATE: April 6, 1979

MATTER OF: Reimbursement for Roland E. Groder - Commuting expenses while on temporary duty

DIGEST: Employee on temporary duty in New York, N.Y., a high cost area, lodged at no cost to the Government, 45 miles from duty station. In this case commuting costs may be reimbursed in an amount not to exceed the expenses that would have been incurred had lodging been obtained in the high cost area. No determination as to what is a reasonable commuting distance in such situations will be required but agencies should limit employee's choice of lodging location administratively so that unreasonable commuting times will not be involved. Matter of Albert W. Keller, B-189650, January 26, 1978, will no longer be followed to the extent it indicates a fixed limit on commuting distances.

Mr. V. Rushton, Disbursing Officer, Military Sealift Command, Department of the Navy, requests an advance decision on the reclaim of Mr. Roland E. Groder for \$101.66 in connection with his temporary duty assignment in New York City for expenses in commuting 45 miles between Middletown, New Jersey, and New York City. The Disbursing Officer asks whether under our prior decisions a 50-mile radius is considered a reasonable commuting distance and whether an agency has discretionary authority to save funds in cases of this type where a savings on travel per diem exceeds the added transportation costs. The Navy Regional Finance Center determined that the employee's claim for travel expenses had been overpaid in the amount of \$101.66, citing Matter of Albert W. Keller, B-189650, January 26, 1978. Collection of that amount has been suspended pending receipt of our decision.

In Keller, we sustained the agency denial of a claim for reimbursement of mileage and tolls between lodging and temporary duty where the employee was assigned to temporary duty in New Jersey and New York but lodged with his parents in Philadelphia, Pennsylvania. We held that since the employee lodged some 75 to 90 miles from the temporary duty station and there is no authority authorizing mileage for travel outside immediate vicinity of the temporary duty station the claim could not be paid. Relative

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costs were not presented in the case nor did the record indicate agency authorization for privately owned vehicle use on temporary duty as required by the applicable regulations.

Mr. Groder, whose permanent duty station is Washington, D.C., was assigned to temporary duty in Bronx, New York, for about 19 days in February and March 1978. Instead of staying in New York City during this period he lodged with friends in Middletown, New Jersey. In commuting the 45 miles to work, the employee paid \$6.80 in train fares and 60 cents subway fares each workday in addition to certain additional mileage and toll charges for use of his privately owned vehicle. The agency considers reimbursement of those items to have been improper under Keller. However, the agency points out that the employee was paid a per diem at the fixed rate of \$25 whereas subsistence on an actual expense basis, not to exceed \$50, was authorized for temporary duty in New York City.

Obviously the daily costs of commuting were less than the employee would have paid for commercial lodgings in New York City. By lodging at no cost to the Government at the suburban location and commuting to the temporary duty station, the employee in this case has reduced the Government's expenses by as much as \$560.30 (the difference between the \$339.70 per diem paid and the \$900 potential per diem cost the Government could have paid had the employee lodged in New York City). By allowing the \$101.66 claimed by the employee for the commuting costs, the Government expense would still be substantially reduced.

Federal Travel Regulations (FTR) (FPMR 101-7) para. 1-2.3 (May 1973) contemplates that a traveler will ordinarily lodge in close proximity to the temporary duty station. We have held, however, that when an employee, assigned to temporary duty, effects an overall savings in travel expenses by obtaining lower cost lodging and subsistence in a suburban location, the additional transportation costs incurred by commuting from the suburb may be reimbursed in an amount not to exceed the expenses to which he would have been entitled had he obtained lodgings in the high cost area. B-178558, June 20, 1973. Compare B-187344, February 23, 1977, and Keller, supra.

The provision in paragraph C2154 of Volume 2, Joint Travel Regulations, which provides that use of a privately owned

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conveyance may be authorized or approved for travel within the limits, of or immediate vicinity of a temporary duty station, is a provision of general applicability. We do not believe that this general limitation should be considered as restricting payments for travel when they are paid in lieu of per diem as in this type of case. In this regard, it would appear reasonable to follow a rule similar to that applied when an employee returns voluntarily on weekends to his official station or his place of abode from which he commutes daily to his official station. See FTR para. 1-7.5c. Thus, where travel expenses are paid in lieu of per diem, reimbursement for commuting expenses to a temporary duty station may be paid not to exceed the per diem and travel expenses which would have been allowable had the employee lodged at his temporary duty station. To the extent that Keller indicated that lodgings can not exceed a fixed distance from the duty station, it will no longer be followed.

In applying such a rule, agencies should administratively limit the employee's choice of lodging location so that unusual commuting times which would adversely affect work performance are not involved. However, this factor would not be related to payment of the transportation costs allowable.

The reclaim of Mr. Groder is for processing in accordance with the above.


Deputy Comptroller General
of the United States