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**DECISION**



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

FILE: B-195025

DATE: October 22, 1979

*Request for Reimbursement of Expenses Involved in*

MATTER OF: Richard L. Greene - Personal Injury - Return of Automobile to Permanent Duty Station

**DIGEST:** Employee on temporary duty travel may be reimbursed payment to private firm for transporting his privately owned vehicle back to permanent duty station, since injury prevented his operation of vehicle on return trip. 5 U.S.C. § 5702(b) and FTR para. 1-2.4 authorize expense of return of vehicle to permanent duty station when employee is incapacitated not due to misconduct. 44 Comp. Gen. 783 (1965) and B-176128, August 30, 1972, overruled.

This decision responds to the request of Richard L. Greene, an employee of the Department of Commerce, who appeals our Claims Division's denial of reimbursement for transporting his automobile.

The issue is whether an employee may be reimbursed the cost of transporting his privately owned vehicle (POV) back to his permanent duty station when he incurred the cost because he suffered bodily injury while on temporary duty preventing him from driving the vehicle.

*ABC 74*

Mr. Greene, stationed in Dallas, Texas, was authorized mileage for temporary duty travel by POV. While on temporary duty, he was in an automobile accident requiring his hospitalization in Salt Lake City, Utah, August 8-10, 1977. Because of his injuries he was unable to drive his POV, and he returned to Dallas by air transportation at Government expense. He paid a private firm \$174.65 to return his POV to Dallas, and he claims reimbursement of this amount.

We have held in cases such as Mr. Greene's that there is no authority permitting reimbursement for the additional expense of transporting the POV to the duty station, since the Government has paid airfare for transporting the injured employee. 44 Comp. Gen. 783 (1965); B-176128, August 30, 1972.

Upon further consideration, we now overrule those decisions. Congress has provided in 5 U.S.C. § 5702(b) that, under regulations prescribed by the Administrator of General Services, an employee, incapacitated by illness or injury not due to his own misconduct while on official travel away from his duty station, is entitled to

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*Handicapped employees  
Disabilities or handicaps  
Traffic accidents  
Personal transportation expenses  
Temporary duty claims allowance  
Property claims settlement*

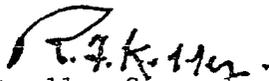
per diem and appropriate transportation expenses to his designated post of duty. The implementing regulations in para. 1-2.4 of the Federal Travel Regulations provide for transportation expenses to the post of duty without specifically describing the kind of expenses that may be paid by the Government to the incapacitated employee. In B-127109, April 6, 1956, we allowed the expenses of an ambulance and an attendant required for the return of the stricken employee to his permanent duty station. This decision observed that the Act of April 26, 1950, 64 Stat. 89, from which 5 U.S.C. § 5702(b) is derived, was enacted:

"\* \* \*to overcome in some measure inequities and hardships arising when an employee becomes ill or is injured while in a travel status and compelled to personally assume all expenses, including subsistence and transportation costs."

See Senate Report No. 1364, 81st Cong., 2d Sess., pages 1-2.

The two prior cases mentioned above disallowed the expenses of returning the employee's automobile to his post of duty on the ground that the statute only authorized the Government to provide for the return transportation of the employee himself. We now believe that this is too restrictive a view of the scope of 5 U.S.C. § 5702(b). Neither the statute nor the implementing regulations preclude payments for the expense of returning a POV, and the effect of disallowing such expenses is a hardship to the employee. Accordingly, where the employee is authorized to use a privately owned vehicle on official travel, we construe the term "appropriate transportation expenses" in 5 U.S.C. § 5702(b) to be broad enough to authorize payment of the expenses of returning the vehicle to the employee's headquarters.

In accordance with the foregoing, Mr. Greene may be reimbursed for the cost of transporting his POV from Salt Lake City to Dallas, Texas. Settlement will be made in due course.

  
Deputy Comptroller General  
of the United States