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DECISION

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

FILE: B-197960

DATE: August 6, 1980

MATTER OF: Thomas W. Rochford - Mode of local
travel for house-hunting trip

DIGEST: Under paragraph 2-4.2 of the Federal Travel Regulations the mode of transportation for local travel incident to a house-hunting trip, as well as for travel to and from the new station for that purpose, may be "authorized or allowed." In this context, the term "allowed," like the term "approved," connotes administrative action after the fact and employee whose travel orders for house-hunting trip did not specify any mode of local transportation may be reimbursed for car rental expenses based on subsequent approval of that mode by an authorized official.

Request

We have been asked to determine whether orders authorizing a house-hunting trip may be modified retroactively to provide for reimbursement for rental car expenses for local travel. Under the regulations we find that the rental car expenses may be reimbursed on the basis of subsequent administrative approval without regard to whether the circumstances meet the conditions for retroactive modification of orders.

The reclaim voucher submitted by Thomas W. Rochford, an employee of the General Services Administration (GSA), is for expenses incurred in connection with his transfer from New York to San Francisco, California, in July 1979. The travel order issued to Mr. Rochford authorized a round trip to seek residence quarters, with travel to and from San Francisco to be performed by air. Mr. Rochford's claim for the expense of a commercially rented automobile for local travel while house hunting in San Francisco was denied because the travel order did not specifically authorize expenses for local transportation under paragraph 2-4.2 of the Federal Travel Regulations (FPMR 101-7) as amended and extended by FPMR Temporary Regulation A-11, Supplements 4 and 7.

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Because he has now submitted an amended travel order authorizing a commercially rented vehicle for local house-hunting transportation, the certifying officer asks whether Mr. Rochford's supplemental voucher for car rental expenses of \$111.30 may be certified for payment.

The amended order, authorized and approved by the same officials who authorized and approved the initial travel order, is supported by the following statement, executed by both:

"* * * It was the intention of this office to include authorization for rental of a commercial vehicle for Mr. Rochford's house hunting trip and this intention was conveyed to him orally. It did not appear on the original Travel Authorization due to administrative oversight."

This statement has been furnished in support of the position that Mr. Rochford's case falls within the exception to the general rule that travel orders may not be modified retroactively to increase or decrease rights which have become fixed as and when travel is performed under competent orders. That exception permits retroactive modification of orders where the facts and circumstances clearly demonstrate that some provision previously determined and definitely intended has been omitted through error or inadvertence in preparing the order. See 57 Comp. Gen. 367 (1978).

While the circumstances in this case would appear to fall within the above-noted exception, Mr. Rochford's claim may be paid without regard to that line of authority based on approval of the mode of local travel by an authorized official after travel had been performed. Unlike FTR para. 2-4.3c, which requires a house-hunting trip to be authorized in advance, the language of FTR para. 2-4.2 provides that the mode of transportation incident to house hunting may be authorized or allowed:

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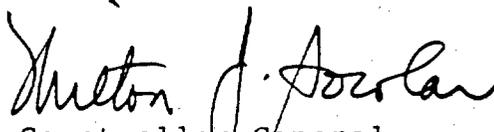
"2-4.2. Duration of trip. The round trip should be allowed for a reasonable period of time considering distance between the old and new official stations, mode of transportation to be used, and the housing situation at the new official station location. In no instance shall the period of the round trip at Government expense be allowed in excess of 6 calendar days, including travel time. In authorizing or allowing a particular mode of transportation, consideration shall be given to providing minimum time en route and maximum time at the new official station locality. Accordingly, if the use of a privately owned automobile is permitted, such use is deemed to be advantageous to the Government and the mileage allowance shall be as provided in 2-2.3b and c. Reasonable expenses for local transportation at the location of the new official station shall be allowed. Agencies may authorize local transportation by common carrier, local transit systems, GSA contract rental or other commercially rented automobiles, or privately owned automobiles; however, the mode of local transportation must be consistent with the mode of transportation authorized for travel to and from the new official station. Expenses for the use of taxis shall be limited to transportation between depots, airports, or other carrier terminals, and place of lodging. (Emphasis added.)

In the context of this regulation, the term "allowing" is used in a sense similar to the term "approved" which appears in conjunction with the term "authorized" elsewhere in the Federal Travel Regulations. The term "allow," as does the term "approve," connotes administrative action after the fact. See 41 Comp. Gen. 574 (1962), and B-172108, April 21, 1971. Thus, as in the case of temporary quarters subsistence expenses under FTR para. 2-5.2a, the mode of transportation incident

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to a house-hunting trip may either be authorized in advance or approved during or after the house-hunting trip. We do not view the use of the term "authorize" in the next to the last sentence of the paragraph as restricting the mode of local transportation or the mode of travel to and from the new station to that which has been authorized in advance.

Because the travel order issued to Mr. Rochford authorized air travel to and from the new duty station but did not specify any particular mode of transportation for local travel, his claim for rental car expenses for that purpose may be paid based on the subsequent approval of an authorized official.



For the Comptroller General
of the United States