

18034

Mr. Mosher

DECISION



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

FILE: B-200040

DATE: May 6, 1981

MATTER OF: Jack L. Rhoades
lodging]

[*Claim for*
Temporary duty allowance *and*

DIGEST: An employee on temporary duty to a high-cost geographical area for purposes of recruiting new employees for his agency rents a room in a hotel as his personal lodging and in which he also conducts interviews of prospective candidates for employment. Employee may not be reimbursed for all or part of the rental of the room as a necessary expense of conducting Government business rather than as part of his actual expense for lodging since he incurred no extra expense for such lodging due to the interviews conducted there.

This action is in response to a request for a decision submitted by the Certifying Officer, Richland Operations Office of the Department of Energy, regarding the proper lodging charge for actual expenses for temporary duty to a high-cost geographical area in the case of Mr. Jack L. Rhoades, an employee. The question presented is whether the employee should be charged the cost of the hotel room as a part of his actual expenses where the hotel room was used both for his personal lodging and for interviewing candidates for employment. The answer is yes.

Three employees of the Richland Operations Office, including Mr. Rhoades, traveled from Richland, Washington, to San Francisco, California, for the purpose of conducting interviews of prospective new employees. All three individuals rented rooms at the Airport Hilton Hotel in San Francisco at a cost of \$47.52 per night, the normal single occupancy rate. The rooms were used by each employee for interviewing candidates and for personal lodging. Upon return, two of the employees, including Mr. Rhoades, submitted travel vouchers claiming reimbursement for the room rental costs separately as official business costs for conducting Government business, the interviewing of prospective new employees. They made no claim for lodging expense under their authorized actual and necessary expenses.

In a review of the vouchers the agency determined that the cost of the rooms should properly be charged

016801 115156

B-200040

to personal lodging as part of the actual and necessary expenses not to exceed \$50 per day. Since the hotel charge was \$47.52 per night, the employees were left with only \$2.48 per day for reimbursement for food. The travel orders of at least one of the employees did state: "Rental room authorized for interviewing possible candidates."

The Federal Travel Regulations (FPMR 101-7) (May 1973) specifically authorize reimbursement for the rental of rooms for official business (FTR para. 1-9.1b) and where such rooms have been obtained by an employee, upon presentation of receipts or explanation on a voucher (FTR para. 1-11.3c(8)) the employee may be reimbursed for the expenditure. B-193137, July 23, 1979.

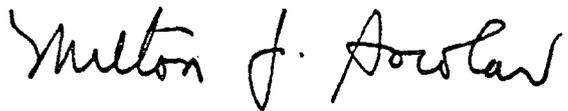
Our decisions B-35306, June 29, 1943, and E-129696, December 13, 1956, involved similar situations in which the employees rented higher priced hotel rooms due to the necessity to conduct Government business in them. In those cases we held that only the charges in excess of those charged for single rooms available at the same hotel for lodging purposes could be paid for as rental of office space for Government business. The remainder of the room rental charge was required to be paid by the employee as the cost of his personal lodging. Since in the present case, the reimbursement sought by Mr. Rhoades is for the normal single occupancy rate, there is no authority to reimburse him for any additional expense of the hotel room.

In the present case, it appears that the primary purpose of Mr. Rhoades' and the other two employees' temporary duty assignment to San Francisco was the recruiting of new employees. In this connection if it were necessary to conduct interviews of prospective candidates they could have, with proper approval, rented a hotel room in which to conduct the interviews. While it is commendable that Mr. Rhoades acted as a reasonably prudent employee in not renting an extra room which was not necessary, the authority contained in FTR para. 1-9.1b for the rental of rooms for official business cannot be used to circumvent the limitation on reimbursement for travel expenses. Compare B-195133, January 19, 1981, 60 Comp. Gen. ____.

B-200040

While we recognize that the maximum authorized by statute for per diem or actual expenses has not always covered all the expenses of employees who must travel on temporary duty, the remedies lie with the employees to seek ways to reduce expenses, and with the Congress to increase the authorized maximums.

Accordingly, the reclaim voucher submitted may not be certified for payment.

A handwritten signature in cursive script that reads "Milton J. Rowland".

Acting Comptroller General
of the United States