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DECISION



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

FILE: B-200027

DATE: August 24, 1981

MATTER OF: Alan G. Bolton, Jr. - Travel Expenses -
Restoration of Annual Leave

- DIGEST:**
1. Employee, in Pittsburgh, who had annual leave scheduled in Los Angeles, was assigned to attend a training seminar in San Diego immediately prior to scheduled annual leave. Employee stayed in California after training and claims reimbursement for travel from Pittsburgh to San Diego, San Diego to Los Angeles, and Los Angeles to Pittsburgh. If employee had returned to Pittsburgh after training was completed, he would have been eligible for airline half-fare discount coupon. The agency correctly limited reimbursement to such cost since regulations provide that reimbursement is based on such charges as would have been incurred by a usually traveled route when person for his own convenience travels by indirect route, or interrupts travel. Also, regulations require agency to use half-fare coupons if its use will achieve a savings to the Government.
 2. Employee forfeited annual leave scheduled in advance since he was assigned to attend a training seminar. Annual leave may be restored since failure to present case to an appropriate agency official for exigency determination constitutes an administrative error which would allow restoration of annual leave.

This decision is in response to a request by a certifying officer of the Bureau of Mines, Department of the Interior, concerning the claim of Alan G. Bolton, Jr. for reimbursement ^{of} travel expenses and restoration of annual leave] under the following circumstances.

[Request

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Mr. Bolton, an employee of the Bureau of Mines, Pittsburgh, Pennsylvania, requested annual leave for the period December 17, 1979, through December 24, 1979, and the request was approved on April 14, 1979, by an appropriate supervisor. Subsequently, Mr. Bolton amended his annual leave request to include the period December 12, 1979, through December 14, 1979, and this request was also approved. Mr. Bolton planned to go to Los Angeles while on annual leave, and he made travel arrangements in September of 1979. Mr. Bolton was offered a super-saver fare for making the advance airline reservations, which would have saved him approximately \$222 off the normal air fare from Pittsburgh to Los Angeles and return.

On November 6, 1979, travel orders were prepared for Mr. Bolton to attend a seminar in San Diego, California, during the period December 9, 1979, through noon, December 14, 1979. Mr. Bolton cancelled his personal reservations and travel arrangements were made for him by Bureau personnel to attend the training session. He was authorized travel expenses including a round-trip airline fare from Pittsburgh to San Diego. Mr. Bolton requested that he be permitted to take his annual leave in Los Angeles beginning after the seminar ended. His supervisor approved this request.

If Mr. Bolton had returned on December 14, 1979, at the conclusion of his temporary duty assignment, he would have qualified for a half-fare price discount coupon for the round trip between Pittsburgh and San Diego. The last date for using the coupon was December 15, 1979. However, by combining official and personal business, Mr. Bolton incurred additional expenses which includes \$528 for his round-trip air fare from Pittsburgh to San Diego, \$36 for air fare from San Diego to Los Angeles, and \$14 extra fare from Los Angeles to Pittsburgh. The agency allowed Mr. Bolton \$304 for travel costs, which represents the constructive travel cost if he had returned home directly after the seminar and therefore qualified for the half-fare discount coupon.

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Mr. Bolton appealed this determination on the basis that he was forced to cancel his super-saver fare reservation, and the discount coupon was not under his control, nor was he notified that it had been used to secure his air fare until after his return. Further, he was ordered to attend the seminar by his supervisors and by attending he forfeited 28 hours of annual leave that had been scheduled and approved.

Mr. Bolton requested that he either be reimbursed his full travel costs or that the annual leave he lost be reinstated. We shall discuss each of these issues separately.

Reimbursement of Travel Expenses

The policy concerning indirect route travel is contained in the Federal Travel Regulations (FTR) para. 1-2.5b, FPMR 101-7, May 1973, which provides:

"When a person for his own convenience travels by an indirect route or interrupts travel by direct route, the extra expense shall be borne by him. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. When transportation requests are used they shall be issued only for that portion of the expense properly chargeable to the Government, and the employee shall pay the additional personal expense * * *."

Since Mr. Bolton was required to travel from Pittsburgh to San Diego for the purpose of training and he was notified of that request before his departure, his travel to Los Angeles is travel by indirect route within the meaning of FTR para. 1-2.5b, quoted above. The regulation is clear on its face and pertains to interrupted travel as well. Therefore, Mr. Bolton is entitled to reimbursement of his actual expenses not to exceed what he would have incurred had he traveled

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directly round trip between his permanent duty station and the training site. See Gregg Marshall, 58 Comp. Gen. 797 (1979); Richard B. Gentile, B-188689, February 7, 1978.

We also note that the General Services Administration promulgated regulations concerning the availability and use of airline discount coupons. See Federal Property Management Regulations, (FPMR) Temp. Reg. A-13, October 10, 1979. Regulations require an agency to use the half-fare coupons on all airline trips where, considering the cost of the coupon, its use will achieve a savings to the Government. FPMR Temp. Reg. A-13, para. 7a(5). Since the use of the coupon in this situation would have resulted in a savings to the Government, the agency was required to use the half-fare coupon.

Therefore, in accordance with the discussion above, Mr. Bolton is only entitled to \$304 which represents the cost that would have been chargeable to the Government if he had returned directly home and qualified for the half-fare coupon.

Restoration of Annual Leave

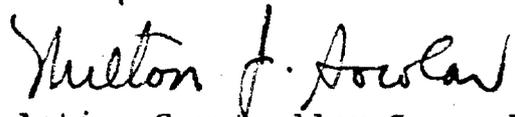
The general rule concerning the restoration of annual leave is that leave lost through forfeiture under 5 U.S.C. § 6304 may be restored to the employee if it is lost because of exigencies of the public business when the annual leave was scheduled in advance. See 5 U.S.C. § 6304(d)(1)(B) (1976). The determination that the exigency is of such importance as to preclude the use of scheduled annual leave is to be made by an agency official as described in 5 C.F.R. § 630.305 (1980). However, we have held that it is immaterial if an appropriate agency official has not made a determination as to an exigency since a failure to present the case to a proper official for an exigency determination constitutes an administrative error which would allow restoration of annual leave. See Norbert A. Shepanek, 58 Comp. Gen. 684 (1979).

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Therefore, since Mr. Bolton's leave was scheduled in advance and no determination was made by the proper official concerning the exigency, Mr. Bolton is entitled to have the 28 hours of forfeited annual leave restored.

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Accordingly, the vouchers are returned for action in accordance with this decision.



Acting Comptroller General
of the United States