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DECISION



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

FILE: B-203014

DATE: December 21, 1981

MATTER OF: Lieutenant Colonel Roger E. Le Blanc

DIGEST: Member who uses a privately owned vehicle when called back from his residence to his normal duty location to perform additional assignments is not entitled to reimbursement for travel between these locations since travel between a member's residence and his normal duty station must be performed at personal expense.

This action is in response to a letter dated March 24, 1981, with enclosures, from the Assistant Comptroller for Finance and Accounting, Office of the Comptroller of the Army, requesting a decision concerning the legality of reimbursing an Army member for the use of a privately owned vehicle (POV) in traveling from his residence to his duty station outside regular duty hours. The request was forwarded here by endorsement dated April 16, 1981, from the Per Diem, Travel and Transportation Allowance Committee. The claim for transportation expenses is denied since travel between a member's residence and place of duty is not regarded as travel on official business but is the personal responsibility of the member.

The submission involves Lieutenant Colonel Roger E. Le Blanc, who is assigned to the Military Traffic Management Command and is stationed at The Pentagon, Washington, D.C. On July 18, 1981, the member was called back twice to his station after normal working hours to perform decoding assignments. In order to carry out this duty, he made several trips between his residence in Fairfax, Virginia, and his duty station in Washington, D.C. Colonel Le Blanc filed a claim with the Finance and Accounting Office in Bayonne, New Jersey, requesting reimbursement for this travel at the rate of 20 cents a mile for a total of \$11.60. The claim was subsequently forwarded to the Office of the Comptroller of the Army for consideration.

Section 408 of title 37, U.S. Code provides for reimbursing a member of a uniformed service for the cost

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of transportation necessary in the conduct of official business within the limits of his station. Reimbursement for the use of a privately owned vehicle incident to such travel is to be at a fixed rate a mile as prescribed by regulation.

Paragraph M4500 of Volume 1, Joint Travel Regulations (1 JTR), provides that, when determined to be advantageous to the Government, officials designated by the services concerned may authorize in advance, or subsequently approve, reimbursement for transportation expenses which are necessarily incurred by member conducting official business in and around their duty station. Paragraph M4502 authorizes the payment of a mileage allowance for the use of a privately owned vehicle.

The Office of the Comptroller of the Army denied the claim on the basis of our decision John J. Chubb, B-183225, October 21, 1975. In that decision, we held that a member's travel by POV between his home and normal duty location must be performed at personal expense.

Per Diem, Travel and Transportation Allowance Committee notes in its endorsement that while the determination in John J. Chubb seems to be controlling, a different result in a similar situation was reached in the settlement of a claim by our Claims Division (now Claims Group) in B-173381-O.M. August 31, 1971.

In B-173381-O.M., a claim for mileage by a member who traveled by POV between his place of lodging and duty station in order to perform additional assignments after normal working hours was allowed. In our subsequent decision, John J. Chubb, we considered similar facts, but denied reimbursement for the reason that such travel must be performed at personal expense whether it is in connection with the performance of the individual's regular daily duties or whether it is before or after normal hours or results from the ordered performance of additional duties.

While John J. Chubb did not specifically overrule B-173381-O.M., it should be noted that this was not a decision of the Comptroller General but merely the settlement of a claim before the Claims Division of this Office. The fact that a similar claim was allowed by our Claims

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Division does not afford a basis for concluding that other similar type claims should be allowed contrary to the regulations and decisions of the Comptroller General. See 52 Comp. Gen. 751, 754 (1973). Thus, our decision in John J. Chubb still reflects the views of this Office in such matters.

The view is also expressed that denial of mileage allowance for travel by POV is inequitable in view of provisions contained in paragraph M4504, 1 JTR, which authorize reimbursement for high-cost taxi travel under specified circumstances.

Paragraph M4504, 1 JTR, provides an exception to the general rule against reimbursement for home-to-work travel in that it authorizes Government reimbursement for taxi fares for travel between the permanent work location and home for officially ordered duty outside of regular duty hours for a member who is dependent on public transportation for such travel and it occurs during hours of infrequently scheduled public transportation or darkness. It must be recognized that the purpose of this authorization is to permit reimbursement of taxi fares paid by members during times when the use of public transportation would subject them to substantial personal hazard. John J. Chubb, above. Since members traveling by POV do not encounter similar risks, considerations underlying the exception stated in paragraph M4504, 1 JTR, do not apply to them.

The Finance and Accounting Office indicates that Colonel Le Blanc maintains that the rule denying mileage allowance to members who travel by POV unduly burdens those who are not furnished quarters at the base, particularly in view of rising gasoline prices. While we recognize some of the difficulties associated with travel by POV, we do not view them as affording a basis for an exception to the general rule against reimbursement or the payment of mileage in such circumstances.

Accordingly, the voucher in favor of Colonel Le Blanc submitted with the question may not be paid and will be retained here.

Harry D. Van Cleave
For Comptroller General
of the United States