

**DECISION**

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

Stockton  
119326

**FILE:** B-206472**DATE:** August 30, 1982**MATTER OF:** Sandra Massetto

**DIGEST:** Where employee chartered aircraft between Phoenix and Flagstaff, Arizona, at a cost of \$128.80, amount payable for employee's transportation to meeting in Flagstaff is limited to lower constructive cost of travel by commercial air carrier providing regularly scheduled flight arriving within 1/2 hour of chartered airline's arrival time. A chartered aircraft is a "special conveyance" within the meaning of Federal Travel Regulations paras. 1-2.2 and 1-3.2, and its use may be authorized or approved only when a determination has been made that travel other than by common carrier would be more advantageous to the Government and that travel by Government-furnished or privately owned vehicle would not be more advantageous to the Government.

This decision concerns the Government's authority to pay the \$128.80 amount of a voucher submitted by Northland Aviation, Inc., for charter air transportation services between Phoenix and Flagstaff, Arizona. The transportation furnished Ms. Sandra Massetto, a member of the Navajo and Hopi Indian Relocation Commission, was for the purpose of attending a meeting of the Commission on Friday, June 5, 1981. The voucher was submitted by the authorized certifying officer for the General Services Administration, together with his request for an advance decision.

Prior to the June 5 meeting, Ms. Massetto had been on active duty with her Army Reserve Unit in Tucson, Arizona. Upon release from active duty late in the day on Thursday, June 4, Ms. Massetto returned to her residence in Phoenix. Because she was fatigued and because she was scheduled to confer with the other two commissioners 2 hours in advance of the 10 a.m. Commission meeting, the Commission's Assistant Director concurred in Ms. Massetto's decision not to drive the 150-mile distance between Phoenix and Flagstaff. The Assistant Director has indicated that the one-way charter, arriving in Flagstaff at 7:20 a.m., was used when it was determined that scheduled commercial air carrier service could not assure her arrival in time for the 8 a.m. conference. Ms. Massetto returned to Phoenix later on the same day as a passenger in a Government vehicle. Because the charter cost of \$128.80 is substantially in excess of the common carrier airfare of \$46.60, the certifying officer questions whether it may be reimbursed based on the justification offered by the Assistant Director.

As specifically authorized by 25 U.S.C. 640d-11(e), Ms. Massetto's travel expenses for the performance of her duties as a member of an independent commission within the executive branch are payable in accordance with chapter 57 of title 5 of the United States Code. Paragraph 1-2.2 of the Federal Travel Regulations, FPMA 101-7 (May 1973) (FTR), issued thereunder, provides guidance in selecting the method of transportation to be used for official travel. Subparagraph 1-2.2c(1) establishes a presumption that travel by common carrier is the most advantageous method of transportation. The Assistant Director's concurrence in the determination that Ms. Massetto should not be required to drive to Flagstaff is consistent with the language of this regulation which requires travel by common carrier whenever it is reasonably available.

Under FTR paragraph 1-2.2c, travel by Government-furnished vehicle, privately owned conveyance or special conveyance may be authorized only when the use of common carrier:

"\* \* \* would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The determination that another method of transportation would be more advantageous to the Government than common carrier transportation shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling."

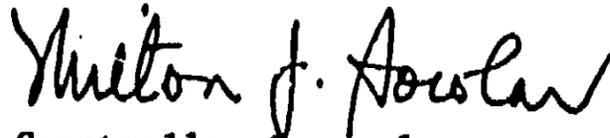
Subparagraph 1-2.2c(4) establishes a presumption that travel by special conveyance is the least advantageous of the otherwise permissible modes of travel and provides for the use of a special conveyance "only when it is determined that use of other methods of transportation discussed in 1-2.2c would not be more advantageous to the Government." A chartered aircraft is a special conveyance subject to the above provisions and to the requirement of FTR paragraph 1-3.2a that its use be specifically authorized or approved as advantageous to the Government. Matter of Hinn, B-184813, June 24, 1976.

In Ms. Massetto's case, the necessary determination of advantage to the Government was not made and her travel by chartered aircraft was not authorized or approved in accordance with the controlling regulations. The explanation of why Ms. Massetto traveled by chartered aircraft offered by the Assistant Director does not meet those requirements. Moreover, that explanation does not specifically address the fact that a regularly scheduled commercial air carrier offered daily flights departing Phoenix at 6:15 a.m. and arriving

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in Flagstaff at 6:50 a.m. In the absence of a specific showing that the flight was fully booked or otherwise unavailable and that travel by Government-furnished or privately owned vehicle would not have been more advantageous to the Government, there would appear to be no basis for authorization or approval of Ms. Massetto's charter of an aircraft arriving in Flagstaff within 1/2 hour of the regularly scheduled commercial flight. Except in highly unusual circumstances, the fact that an employee is fatigued is not an appropriate basis to authorize the higher cost of individual travel by chartered air carrier.

In the absence of the determination and approval required by the regulations, the amount payable for Ms. Massetto's travel to Flagstaff is limited to the constructive cost of common carrier air transportation. Because the voucher submitted by Northland Aviation is supported by a Government Transportation Request, it may be paid. However, the \$82.20 amount by which it exceeds the cost of common carrier transportation should be collected from Ms. Massetto.



Acting Comptroller General  
of the United States