

DECISION

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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548****FILE:** B-208791**DATE:** January 24, 1983**MATTER OF:** James R. Curry

DIGEST: Employee, whose official station was Martinsburg, West Virginia, and who was performing temporary duty in Cincinnati, Ohio, traveled to Parkersburg, West Virginia, on the weekends for personal reasons. Employee may not be reimbursed transportation expenses on a comparative cost basis under FTR para. 1-8.4f unless he returns to his duty station or place of abode. During weekend travel to a location other than his residence or permanent duty station, his entitlement to actual subsistence expenses continues, and the fact that he actually incurs relatively few subsistence expenses does not entitle the employee to reimbursement of transportation costs incurred for personal reasons.

The issue presented is whether an employee on temporary duty spanning a weekend may be reimbursed on a comparative cost basis for weekend travel expenses from his temporary duty station to a location other than his headquarters or place of abode. Comptroller General decisions Matter of Sullivan, B-205696, June 15, 1982, and Matter of Moore, B-198827, August 3, 1981, preclude payment even though the travel expenses incurred do not exceed actual subsistence expenses the employee would have incurred had he remained at the temporary duty station.

An authorized certifying officer at the Internal Revenue Service (IRS) requests an advance decision on the propriety of paying the claim of Mr. James R. Curry, an IRS employee whose duty station and place of abode is Martinsburg, West Virginia. Mr. Curry performed temporary duty in Cincinnati, Ohio, between June 14 and July 2, 1982. On the weekends Mr. Curry drove to his parent's residence in Parkersburg, West Virginia. He has claimed \$170.20 in travel expenses for the two weekends. Based on the average cost of the whole days spent in Cincinnati, he would have spent \$95.60 each weekend he remained in Cincinnati. The IRS disallowed his claim for transportation expenses in accordance with Internal Revenue Manual 1763, Travel Handbook, section 342.2(2), which prohibits payment of transportation for personal trips. He was allowed the cost of a meal enroute to Parkersburg, but since he stayed with relatives, he claimed no other subsistence expenses during the weekends.

Mr. Curry has reclaimed the amount of \$170.20 which was disallowed. The certifying officer questions whether the transportation cost of the round-trip travel between Cincinnati and Parkersburg may be reimbursed in an amount not to exceed the cost Mr. Curry would have incurred if he remained in Cincinnati.

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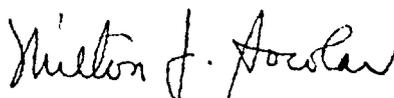
Under the authority of the Federal Travel Regulations (FPMR 101-7, November 1981), paragraphs 1-7.5c and 1-8.4f, an employee on temporary duty may voluntarily return on nonworkdays to his official station or place of abode and be reimbursed for transportation and per diem or actual expenses not to exceed the subsistence and travel expenses he would have been allowed had he remained at the temporary duty station.

We considered the question of whether an employee may be reimbursed for transportation expenses on a comparative cost basis when traveling to a location other than his duty station or place of abode in Comptroller General decisions Matter of Sullivan, B-205696, June 15, 1982, and Matter of Moore, B-198827, August 3, 1981. In those decisions we noted that paras. 1-7.5c and 1-8.4f by their terms are limited in application to instances in which the employee returns to his "official station or his place of abode from which he commutes daily to his official station." Their inclusion in the travel regulations is attributable to the long-standing principle expressed at FTR para. 1-7.6a that neither per diem nor subsistence expenses may be allowed at the employee's permanent duty station or place of abode from which he or she commutes daily to the official station. Where an employee on temporary duty travels on his nonworkdays to a location other than his headquarters or residence, the provisions in FTR paras. 1-7.5c and 1-8.4f for reimbursement of round-trip travel do not come into play.

Since the location at which an employee chooses to spend his nonworkdays while in a travel status is of no particular concern to the Government insofar as it does not interfere with the performance of his assigned duties, his entitlement to authorized per diem or actual subsistence expenses continues unless otherwise restricted under FTR paras. 1-7.5c or 1-8.4f. In fact, if Mr. Curry had incurred any subsistence expenses while in Parkersburg, they would have been reimbursable up to the average of the reimbursement he had received for whole days in Cincinnati. See IRM 1763, section 342.2(1)(c).

As noted above, Mr. Curry has not claimed any expenses while in Parkersburg; therefore, none are reimbursable. However, this does not entitle the employee to reimbursement of transportation costs incurred for personal reasons. Since the regulations do not provide for reimbursement of such transportation costs, nor contemplate prorated reimbursement based on comparative cost-savings, there is no authority under which Mr. Curry's claim may be allowed.

In view of the foregoing, payment of the claim is not authorized.


for Comptroller General
of the United States