

DECISION



24892
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-209581

DATE: April 15, 1983

MATTER OF: Don L. Sapp - Reimbursement of Travel
Expenses - Government Vehicle Available

DIGEST:

Employee, who was a member of an agency review team and authorized to perform temporary duty travel in a group by Government-owned van, received permission to travel by privately-owned vehicle as an exercise of personal preference. Since the agency did approve his privately-owned vehicle use, and since the regulations do not authorize proration of reimbursement where Government vehicle is used anyway, employee may be reimbursed mileage at 7.5 cent rate authorized by FTR paragraph 1-4.4c.

This decision is in response to a request from an Authorized Certifying Officer, General Services Administration, concerning the entitlement of Mr. Don L. Sapp, an agency employee, to be reimbursed mileage for use of his privately-owned vehicle while performing temporary duty travel.

The issue presented is whether an employee may be reimbursed 7.5 cents per mile, or a prorata amount, when he uses a privately-owned vehicle in lieu of a Government-furnished one.

Mr. Sapp is entitled to be reimbursed the full 7.5 cents per mile since the regulations do not provide for proration.

Mr. Sapp was a member of a review team which was to travel from Atlanta, Georgia, to Birmingham, Alabama, to perform temporary duty and return. A Government-owned van was available, which use was determined to be advantageous to the Government. Mr. Sapp requested and was authorized to use his privately-owned vehicle for this travel as a matter of personal preference, while the rest of the review team traveled by Government van.

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The submission points out that under the provision of the Federal Travel Regulations when an employee is permitted to use his privately-owned vehicle as a matter of preference in lieu of Government-owned transportation, the rate of reimbursement for official travel is limited to 7.5 cents per mile, which approximates the cost of operating a Government-owned vehicle. Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR), paragraph 1-4.4c. It is suggested that such a rule implies that only one traveler is involved, and the use of the privately-owned vehicle is in lieu of the use of the Government vehicle. Thus, the cost to the Government by permitting the employee to use his own vehicle would not be increased. However, it is also pointed out that when multiple ridership in a Government vehicle is contemplated, each authorized deviation from the use of such vehicle would automatically increase the Government's cost. It is suggested that where a Government vehicle will still be used and where a passenger is authorized privately-owned vehicle use as a matter of personal preference, in order to minimize the Government cost for the additional vehicle, the employee's reimbursement should be prorated.

Section 5704 of Title 5, United States Code, provides in part:

"(a) [I]n any case in which an employee who is engaged on official business for the Government chooses to use a privately owned vehicle in lieu of a Government vehicle, payment on a mileage basis is limited to the cost of travel by a Government vehicle."

Paragraph 1-2.2 of the FTR, promulgated thereunder, provides in part:

"b. Selecting method of transportation to be used. Travel on official business shall be by the method of transportation which will result in the greatest advantage to the Government, cost and other factors considered.

"c. Presumptions as to most advantageous method of Transportation.

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"(2) Government - furnished automobile. When it is determined that * * * an automobile is required for official travel, a Government furnished automobile shall be used whenever it is reasonably available.

"(3) Privately owned conveyance. Except as provided in 1-2.2d, the use of a privately owned conveyance shall be authorized only when such use is advantageous to the Government.

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"d. Permissive use of a privately owned conveyance. When an employee uses a privately owned conveyance as a matter of personal preference and such use is compatible with the performance of official business * * * such use may be authorized or approved provided that reimbursement is limited in accordance with * * * [the provisions of 1-4]."

The basic focus of these various provisions of the FTR is, that Government vehicles should be used whenever available and appropriate. However, use of a Government vehicle is not required to the exclusion of all other comparable modes of transportation. The restraints imposed by the regulations are that when other transportation modes are permitted to be used, e.g., privately-owned vehicles, and if authorized as compatible with the performance of official business, the reimbursement authorized is limited by paragraph 1-4.4c to the cost of operating the Government vehicle.

We agree that this concept seems to imply a single user of a Government vehicle. However, we believe that since sufficient multiple traveler situations have arisen in the past, and since the regulations have not specifically provided for this type of situation, it is not unreasonable to conclude that the provisions of paragraph 1-2.2d includes

any Government-employee passenger in a Government vehicle should use of his privately-owned vehicle for personal preference be approved. In view of the fact that nothing is contained in the regulations permitting proration, coupled with the specific authority contained in FTR paragraph 1-4.4c, each employee who is permitted to use their privately-owned vehicle as a matter of personal preference in lieu of transportation by Government-owned vehicle would be authorized to be reimbursed for official mileage at the 7.5 cent rate.

Accordingly, Mr. Sapp may be reimbursed for his official mileage at the 7.5 cent rate, if otherwise correct.

J. H. Barclay
for Comptroller General
of the United States