

DECISION

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

FILE: B-210928**DATE:** April 22, 1983**MATTER OF:** Robert Berman - Reimbursement for Locksmith
Fee Incurred During Official Travel**DIGEST:**

An employee on official travel may not be reimbursed for a locksmith fee incurred because he locked himself out of his rental car. The Federal Travel Regulations do not allow reimbursement because the fee was not necessarily incurred in the transacting of official business. The fee is personal to the employee and not payable by the Government.

This decision is in response to an appeal by Mr. Robert Berman from our Claims Group determination Z-2837977, October 27, 1982, denying his claim for reimbursement for expenses incurred by him incident to locking himself out of a rental car while traveling on Government business. We sustain our Claims Group's determination because we agree that the expense incurred by Mr. Berman was not necessarily incurred in connection with official business and is therefore personal to Mr. Berman and not payable by the Government.

The facts of this case are not disputed. Mr. Berman is an attorney, employed by the National Aeronautics and Space Administration (NASA) in Washington, D.C. In October 1981, he was assigned to temporary duty in the Los Angeles area and was required to obtain a rental car for local transportation. On October 3, 1981, Mr. Berman locked himself out of his rental car. He thereupon contacted the car rental agency, which refused to deliver an extra set of keys. He then contacted several locksmiths, and arranged for the least expensive one to unlock the car. Mr. Berman paid the locksmith \$30 and obtained a receipt. His keys were found on the seat of the car.

When Mr. Berman returned to Washington, he submitted a travel voucher which included a claim for reimbursement of the \$30 locksmith fee. That claim was disallowed by the NASA Headquarters Accounting Branch on the grounds that the expense was personal to Mr. Berman. Mr. Berman submitted his claim to our Claims Group, which disallowed the claim as stated above. Thereupon followed this appeal.

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Paragraph 1-1.3b of the Federal Travel Regulations (FPMR 101-7, September 1981) requires that employee travel expenses be limited to "those expenses essential to the transacting of official business." Mr. Berman's action in locking himself out of his car was the proximate cause of his incurring the locksmith fee and, hence, the fee cannot be regarded as essential to the transacting of official business.

Mr. Berman relies on paragraph 1-9.1d of the Federal Travel Regulations which provides:

"Other expenses. Miscellaneous expenditures not enumerated herein, when necessarily incurred by the traveler in connection with the transaction of official business, shall be allowed when approved."

However, paragraph 1-9.1d, both on its face and by previous Comptroller General decisions, is limited to expenditures essential to the transacting of Government business. See, e.g., Roy C. Brooks, B-187246, June 15, 1977. As noted above, we agree with the determination of NASA officials and our Claims Group that the locksmith fee incurred by Mr. Berman was clearly not essential to the transacting of Government business. The fact that Mr. Berman would not have had occasion to incur the locksmith fee but for his performance of official travel is not a sufficient basis for shifting the expense to the Government. B-162466, September 27, 1967.

The case at hand is substantially similar to the situation which prompted our decision in Alex Perge, B-198824, January 23, 1981. In that case, we decided that a Department of Energy official could not be reimbursed for a fee charged him by a hotel when he locked his key in his room. We found that reimbursement could not be allowed pursuant to Federal Travel Regulations paragraph 1-9.1d because the fee was "not essential to the transacting of official business" and was not "necessarily incurred in connection with official business." Those requirements are similarly lacking in the instant case.

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Accordingly, there is no authority to reimburse Mr. Berman for the locksmith fee. The determination of our Claims Group denying his claim is sustained.

for Harry D. Jan Cleve
Comptroller General
of the United States