

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

26348

FILE: B-211227**DATE:** September 28, 1983**MATTER OF:** W. Kenneth Davis**DIGEST:**

An official at the Department of Energy, who headed the United States delegation to an international conference, may be reimbursed for a tip to the driver of a car hired with driver by the American Embassy in Vienna, Austria, for his use during the conference. The Department has determined that the tip was appropriate and customary in these circumstances, and applicable regulations authorize reimbursement of local transportation expenses including tips for official business when an employee is on a temporary duty assignment.

Mr. W. Kenneth Davis claims reimbursement of a \$60 tip he gave to the driver of a rented car furnished him during his two weeks temporary duty in Vienna, Austria. Reimbursement of the tip as part of a local transportation expense is authorized under the provisions of the Federal Travel Regulations (FTR) (FPMR 101-7, September 1981).

Mr. Davis, Deputy Secretary of Energy, headed the United States delegation to the International Atomic Energy Agency Conference in Vienna from September 11 to September 30, 1982. The American Embassy in Vienna hired a car and driver for Mr. Davis' use during his stay in Vienna. The car and driver were available for Mr. Davis at all times during his visit. At the end of the conference Mr. Davis gave the driver a \$60 tip. The approving official has determined that the tip was customary and appropriate in these circumstances. We have been asked by the certifying officer if there is a legal basis upon which reimbursement may be allowed.

Reimbursement of travel expenses of officers and employees of the Federal Government is authorized by 5 U.S.C. §§ 5701-5707 (1976) and implemented by the Federal Travel Regulations. Mr. Davis' original claim was disallowed by the Department of Energy on the basis of FTR para. 1-9.2 which, in precluding reimbursement of payments made to other Government employees for personal services, states as follows:

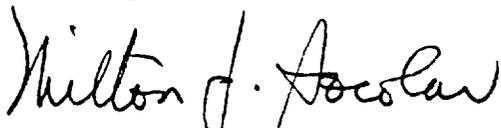
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"Payment to Government employees. Neither payment nor reimbursement shall be allowed under any agreement made by the traveler with an employee of the Government for personal services."

In his reclaim Mr. Davis points out that the driver was not a Government employee. We agree that FTR para. 1-9.2 does not preclude reimbursement of a tip under these circumstances. The driver hired with the car by the Embassy was not a Government employee within the meaning of FTR para. 1-9.2.

With regard to the authority of the Department to reimburse Mr. Davis for the tip, FTR para. 1-2.3a authorizes reimbursement of local transportation costs incurred incident to official business, including travel between places of lodging and work, when an employee is on a temporary duty assignment. Local transportation costs include appropriate tips when taxis are used by the traveler. See FTR para. 1-3.1b. We note also that tips are allowed in connection with the use of taxis or limousines in travel to and from common carrier terminals. FTR para. 1-2.3c. Under this provision a tip paid to the driver of a hotel's courtesy limousine was allowed. B-171953, March 30, 1971. Also tips paid to maids or porters by the individual in charge of services rendered to all members of a conference group were allowed under the authority of FTR para. 1-9.1d. Matter of Luton, January 30, 1976.

The car and driver were used by Mr. Davis in lieu of other local transportation on official business in connection with his position as head of the United States delegation. Tips would have been allowed had Mr. Davis used the usual taxis or limousines for the travel in question. Further, the appropriate official has determined that the tip was customary and reasonable in the circumstances. Although reimbursement is not specifically provided for in the Federal Travel Regulations, since the tip was paid in circumstances similar to those in which tips are reimbursed, we find that reimbursement may be allowed under the authority of FTR para. 1-9.1d. The voucher may be certified for payment.

for 
Comptroller General
of the United States