

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

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FILE: B-212445**DATE:** February 14, 1984**MATTER OF:** Christopher Paddack - Liability for
Indirect Official Travel - Foreign
Service Travel Regulations**DIGEST:**

United States Information Agency employee and family performed official transfer travel from Montevideo, Uruguay, to Washington, D.C., with home leave en route at Burlington, Iowa. Foreign Service Travel Regulations require all official travel be performed directly by "usually traveled route" which is one or more routes essentially the same in cost and travel-time. We find that segment of employee's travel performed over 16 days on a Mississippi riverboat between New Orleans and Burlington was a deviation from the usually traveled route for the employee's personal convenience and for which he must bear the extra expense.

A United States Information Agency (USIA) employee and his family were transferred from Montevideo, Uruguay to Washington, D.C., with home leave authorized en route at Burlington, Iowa. The employee and his family traveled by various modes to the home leave destination--including a 16-day segment on a Mississippi riverboat. We find that this travel segment was not performed on a usually traveled route as required by regulation. When a traveler deviates from a usually traveled route for personal convenience, the traveler must bear the extra expense for the portion of the journey which is by an indirect route.

BACKGROUND

The Chief of the Financial Operations Division at the USIA has requested an advance decision of this Office under 31 U.S.C. § 3529, as codified by Public Law 97-258, 96 Stat. 877, September 13, 1982, concerning the travel of Mr. Christopher Paddack and his family of three dependents from New Orleans, Louisiana, to Burlington, Iowa, in connection with his permanent transfer orders. Under travel orders dated May 5, 1982, Mr. Paddack and his

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family were authorized to transfer from Montevideo, Uruguay, to his new post in Washington, D.C., with approved home leave en route at Burlington, Iowa. In fact, Mr. Paddack's itinerary included travel from Montevideo on July 2, 1982, utilizing a combination of car, air, and ship conveyances, with stopovers and connections in Santiago, and Valpariso, Chile, and Callao and Lima, Peru, arriving in Miami, Florida, on July 8, 1982. On the afternoon of July 9, 1982, Mr. Paddack traveled from Miami to New Orleans, Louisiana, where he delayed his travel until July 12, 1982, when he left New Orleans for St. Louis, Missouri, sailing aboard a Mississippi riverboat--The Delta Queen. Upon arrival at St. Louis, Mr. Paddack exchanged airline tickets, previously issued by the American Embassy in Montevideo, determining instead to continue his family's riverboat passage through to the home leave destination in Burlington, Iowa, where they arrived on July 26, 1982. To complete his official travel, Mr. Paddack left Burlington on August 2, 1982, flew to Chicago and then to Cincinnati where he stayed over. He then flew to Washington, D.C., on August 3, 1982. However, it is the riverboat travel segment between New Orleans and Burlington, which by itself took over 16 days, at a claimed cost to the Government of over \$17,000, which forms the basis of the certifying officer's request for an advance decision.

The Chief of the agency's Financial Operations Division reports that under paragraph 131.1-2c(2) of Volume 6, Foreign Affairs Manual (6 FAM), applicable to USIA personnel traveling in connection with home leave and transfer to another post, Mr. Paddack was authorized "Air at least one way." Thus, his trip was divided into two segments for this purpose, the first from the old duty station to the home leave point, and the second from the home leave point to the new duty station. Therefore, as the certifying officer points out, an employee may use surface travel on either segment of the trip he chooses but will be held to air travel for the other segment. As a result, it is not the mixed mode of travel used by the Paddacks that is placed in issue, but rather, as the certifying officer states, "the excessive transportation cost incurred in traveling by ship from New Orleans to Burlington 1/ (\$14,440), and a claim for per diem

1/ This figure includes \$1,680 for the portion of travel between St. Louis and Burlington, which, according to the record, has never been paid to the carrier.

amounting to \$2,931.25 is being questioned on the grounds that a prudent traveler would have used a less costly means of transportation."

In addition, there is a question whether the State Department provided advance approval of Mr. Paddack's itinerary. The certifying officer asserts that the itinerary "which included boat travel between New Orleans and St. Louis was presented to the Department of State by the AmEmbassy Montevideo for approval (Reference Montevideo 0858 dated 3/15/82 and 20636 dated 6/2/82), and was apparently approved by State's 158220 dated 6/9/82. USIA was also advised of Mr. Paddack's itinerary on 6/22/82 (Ref: Montevideo 2376)." However, our review discloses that this finding is not quite correct on at least one critical point. The itinerary Mr. Paddack submitted to both the State Department and USIA included direct travel from Lima, Peru, to New Orleans, Louisiana as the United States point of entry. Thus, the State Department message 158220 of June 9, 1982, reasons--in apparent approval--that "[a]s the traveler's point of entry would be the Gulf Coast of U.S. and his home leave address is in the Middle West, the proposed travel could be considered direct."

However, as the record shows, Mr. Paddack traveled from Lima, Peru, to Miami, Florida, his point of entry being on the Atlantic Coast. Under these facts we cannot agree that Mr. Paddack's actual itinerary was approved in advance by the State Department as a direct route. In addition, he was denied authorization for a rental car between St. Louis, and Burlington, and issued airline tickets for the segment which he never used. Instead, he contracted for further riverboat travel.

ANALYSIS

The travel and relocation expenses of most civilian employees are governed by 5 U.S.C. Chapter 57 and the Federal Travel Regulations, FPMR 101-7 (September 1981). However, the Foreign Service Act of 1946, 22 U.S.C. §§ 1136 and 1138, gave the Secretary of State the authority to prescribe regulations for the payment of specified relocation expenses for Foreign Service Officers. Effective February 15, 1981, the Foreign

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Service Act of 1980 repealed these provisions; Pub. L. 96-465, § 2205(1), 94 Stat. 2159 (1980); replacing them with essentially similar provisions, Pub. L. 96-465, § 901, 94 Stat. 2124; codified at 22 U.S.C. § 4081 (1982).

The regulations implementing 22 U.S.C. § 4081 are the Foreign Service Travel Regulations published in 6 FAM, which covers travel and relocation expenses for all Foreign Service Officers and employees of State, AID, and USIA.

In setting forth the requirement for "direct travel," paragraph 131.2 of 6 FAM states that all official travel must be by a usually traveled route. The definition of a "usually traveled route" is set out in paragraph 117v of 6 FAM as follows:

"v. Usually Traveled Route

"One or more routes which are essentially the same in cost to the Government and in travel time. Selection of usually traveled routes will depend on the authorized mode or combination of modes * * *."

As the certifying officer points out, since the reason for Mr. Paddack's travel involved home leave and transfer to another post, he was entitled to use surface travel in accordance with paragraph 131.1-2c(2) of 6 FAM applicable to USIA employees. However, the language introducing this entitlement provision states as follows:

"c. Type and Mode of Travel

"AID and USIA have established that the modes of travel indicated below, used on a usually traveled route and for the reasons specified, will serve as the basis upon which to compute transit time, leave, and related costs."
(Emphasis added.)

As a result, notwithstanding the mode or combination of modes authorized for the Paddacks' travel, they were required to use a usually traveled route, that is, one or more routes which are essentially the same in cost to the Government and in traveltime. In addition, paragraphs 114, and 115 of 6 FAM provide:

"114 Payment of Official Travel Expenses

"In accordance with the provisions of law and these regulations, Foreign Service employees and the members of their family are entitled only to actual and necessary expenses incurred in the performance of official travel. Travelers are expected to make a conscientious effort to minimize costs of official travel and to assume costs of a personal nature and any additional expenses incurred for personal convenience.

"115 Responsibility of Traveler

Employees and their dependents traveling under official travel authorizations are expected to use the most direct and expeditious routes consistent with economy and reasonable comfort and safety. By the same token, employees are expected to exercise good judgment in the costs they incur for all official transportation expenses as if they were personally liable for payments."

Mr. Paddack's route selection clearly failed the obligation outlined above.

The certifying officer reports that air travel from Montevideo, Uruguay, to Burlington, Iowa, for the Paddacks would have cost the Government \$3,348. We are advised that this travel option--including an appropriate rest stop--could have been performed within 3 to 5 days. The certifying officer also reports that the Paddacks could have performed surface transportation by railroad from New

Orleans, Louisiana, to Burlington, Iowa, over 2 days at a total cost to the Government of \$932.50. Our own informal inquiries revealed that the Paddacks could have performed surface transportation by railroad from Miami, Florida, to Burlington, Iowa, over 3 days in July 1982 at a cost of about \$1,200 for 4-full fares. Air travel over 1 day for the Paddacks between Miami and Burlington would have cost about \$1,000; and, 1 day air travel for the Paddacks between New Orleans and Burlington would have cost the Government about \$650 for 4-full fares in July 1982.

Comparing all of these options as to cost and travel-time with the claimed \$17,000 ^{2/} and 16-day route selected by Mr. Paddack for travel between New Orleans and Burlington, requires a finding that Mr. Paddack deviated from a usually traveled route for his personal convenience. See B-155091, May 13, 1965.

Under 6 FAM paragraph 131.3-1, when a traveler deviates from a usually traveled route for personal convenience, the traveler must bear the extra expense for the portion of the journey which is by an indirect route. Reimbursement for costs incurred on that portion of the journey which is traveled by indirect route is limited to the total cost of per diem, incidental expenses, and transportation by less than first-class air accommodations (regardless of mode of travel used in indirect travel) which would have been incurred by traveling on a usually traveled route. In addition, leave is charged for any excess traveltime. 6 FAM paragraph 131.3-2.

^{2/} The \$2,931.25 claimed for per diem appears excessive since it was not computed on a reduced rate of \$6 for the first 9 days of continuous ship travel, \$2 thereafter. 6 FAM paragraph 153.3b(3).

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Accordingly, reimbursement for the Paddacks' travel from New Orleans, Louisiana, to Burlington, Iowa, will be limited to the total cost of 1 day of per diem, itemized incidental expenses, and transportation by less than first-class air accommodations between New Orleans and Burlington. Action should be initiated by USIA to recoup from Mr. Paddack the transportation cost of \$12,760 paid by Government Travel Request for the riverboat travel, less any unpaid amount properly reimbursable as stated above. In addition Mr. Paddack must be charged with leave for the excess traveltime between July 10, and July 26, 1982, when he arrived at his home leave destination in Burlington, Iowa.

Milton J. Aorlan
for
Comptroller General
of the United States