

DECISION

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

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FILE: B-216189

DATE: December 5, 1984

MATTER OF: Barry Meehen - Transportation Purchased
Through Travel Agent

DIGEST:

Federal agency authorized travel of state employee to a conference, and the employee improperly purchased air transportation with an agency-issued Government Transportation Request through a travel agent. The agency may reimburse the travel agent where the improper use of the travel agent was inadvertent and where the agency has taken corrective action to avoid future occurrences. Payment to the travel agent may not exceed the cost of the transportation if purchased directly from the air carrier.

The issue in this decision involves the payment for air transportation obtained by a state employee through a travel agent where the costs of such travel were paid by the federal government. This was an unauthorized use of a travel agent and an improper use of a Government Transportation Request (GTR). We hold that where the use of the travel agent was inadvertent and the traveler has been warned against future use, the travel agent may be paid for the transportation services where the cost of the transportation does not exceed the cost if purchased directly from the air carrier.

This decision responds to the request of Walter W. Pleines, Director, Division of Finance, Social Security Administration (SSA), reference SMF-237, concerning the payment of a GTR issued to a commercial travel agent.

In connection with a workshop scheduled in Dallas, Texas, in February 1984, SSA issued travel orders and a GTR to Mr. Barry Meehen, a New York State employee, for his travel from Albany, New York, to Dallas and return. Mr. Meehen obtained his airline tickets through John A. Myers Travel Center, a commercial travel agent, using the GTR for payment, and the travel agent billed the agency for payment.

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The agency report states that the cost of this ticket purchased through the travel agent (\$299) does not exceed the cost of a ticket if purchased directly from the carrier. This was Mr. Meehen's first trip at the expense of the federal government, and he was not advised of the prohibition of using travel agents. The agency report states further that steps have been taken to avoid such situations in the future by advising persons who are not federal employees of the prohibition on using travel agents.

Based on our prior decisions which have allowed exceptions to the prohibition on using travel agents, the agency asks whether it may reimburse the John A. Myers Travel Center for the cost of this travel.

Our decisions have held that an employee who inadvertently uses a commercial travel agent to procure transportation for travel on official business may be reimbursed for the amount the government would have paid if the transportation services had been purchased directly from the carrier. Joel L. Morrison, B-215680, September 18, 1984, 63 Comp. Gen. _____; Ernest Michael Ward, 60 Comp. Gen. 445 (1981); and Seymour Epstein, B-213340, February 23, 1984. We have applied the same holding to the situation where the employee procures the transportation through a travel agent and uses a GTR for payment. Marine Corps, B-206366, April 7, 1982. See also 41 C.F.R. § 101-41.203-1 (1983).

The standards applied in our decisions are that (1) the employee was unaware of the prohibition on using travel agents, (2) reimbursement will be limited to the cost of purchasing the ticket directly from the carrier, and (3) the employee should be advised that reimbursement will be denied for any future use of travel agents unless the employee can demonstrate there was no other alternative. Ward, cited above, and Federal Travel Regulations, Supp. 9.^{1/} All of the standards have been met in this case, according to the report submitted by the agency. Therefore, the agency may pay the travel agent in this case, but the agency should obtain proof of payment by the travel agent to the carrier or indemnification to protect the government from a possible claim by the carrier. Marine Corps, cited above.

^{1/} GSA Bulletin FPMR A-40, Supp 9, 49 Fed. Reg. 20372, May 14, 1984, para. 1-3.4b(2)(b).

Finally, we note that the general prohibition against the use of travel agents was repealed effective May 25, 1984. 49 Fed. Reg. 17721, April 25, 1984. However, as we noted in Morrison, cited above, federal employees are still restricted in the use of travel agents to those agents with whom the General Services Administration has entered into contracts. See 49 Fed. Reg. 22085, May 25, 1984.

for 
Comptroller General
of the United States