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**DECISION**



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

**FILE:** B-215826

**DATE:** January 23, 1985

**MATTER OF:** Johnny Clark--Use of Bonus Lodging Points  
Earned Under Travel Promotion Program

**DIGEST:**

An employee asks whether he may make personal use of non-transferable bonus lodging points earned as a result of a combination of Government-funded and personal travel. Any travel promotional materials received as a result of the expenditure of Federal funds are the property of the Government and must be relinquished to an appropriate agency official. Since the bonus lodging points here were earned in part by Government-funded travel, the employee may not make personal use of them.

The Director, General Services and Controller, General Accounting Office (GAO), requests a decision whether Mr. Johnny Clark, an employee of GAO, may make personal use of non-transferable bonus lodging points earned in the Holiday Inn Priority Club Program as a result of a combination of Government-funded and personal travel. For the reasons set forth below, we conclude that he may not.

Under the terms of the Holiday Inn promotional program, points are earned for using Holiday Inn accommodations. Awards and prizes are based on the number of points accumulated, similar to the Frequent-Flyer mileage programs offered by airlines. See Discount Coupons and Other Benefits Received in the Course of Official Travel, B-210717, February 24, 1984, 63 Comp. Gen. 229. Mr. Clark notes that some of the points he earned involved personal travel and most of the points were earned prior to our decision in Discount Coupons, cited above. He questions whether this decision applies to the Holiday Inn promotional program.

We held in Discount Coupons, cited above, that promotional gifts such as those attributed to airline Frequent-Flyer programs are the property of the Government, and employees may not retain any gift or gratuity received in the course of official travel. This applies to bonuses

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or promotional awards obtained through a combination of appropriated and personal funds. Discount Coupons, 63 Comp. Gen. 229, at 232, and Abraham Frydman, B-212559, February 24, 1984.

Since the bonus points accumulated by Mr. Clark were acquired in part through the use of Federal funds, any awards or benefits which accrue to this program are the property of the United States and must be relinquished to an appropriate agency official. See Federal Travel Regulations (FTR), para. 1-1.6b (Supp. 9, 49 Fed. Reg. 20372, 20374, May 14, 1984), incorp. by ref., 41 C.F.R. § 101-7.003 (1984).

Mr. Clark questions whether the bonus lodging points may be used since some of the points were earned before issuance of our decisions in February 1984. Our decisions were not prospective in application. See John D. McLaurin, B-212236, February 24, 1984, 63 Comp. Gen. 233. In that decision, we permitted Mr. McLaurin, who had used his promotional material prior to issuance of guidance by the General Services Administration<sup>1/</sup> or our decisions, to reduce his liability by the percentage of private travel used to obtain the award. McLaurin, 63 Comp. Gen. 233, at 235. We also stated that any future use of promotional material would result in liability for the full value of the bonuses or promotional gifts used. Thus, since Mr. Clark contemplates use of the bonus lodging points after the date of the GSA guidance and our decisions, such use would be prohibited.

Finally, the fact that these bonus lodging points are non-transferable, while perhaps limiting their value to the Government, is of no consequence. Even if the Government is unable to use the promotional materials after every reasonable attempt, the promotional materials may not be utilized by the employee for personal use. Discount Coupons, cited

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<sup>1/</sup> Federal Property Management Regulation § 101-25.103, 48 Fed. Reg. 48231, October 18, 1983.

B-215826

above. The bonus is the property of the Government, and the employee who received the promotional materials has no more legal right to them than any other person.

Therefore, we conclude that Mr. Clark may not make personal use of these bonus lodging points. They are the property of the Government and they should be relinquished to an appropriate agency official.

For



Comptroller General  
of the United States