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DECISION



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

FILE: B-216820

DATE: April 1, 1985

MATTER OF: Thomas L. Wingard-Phillips - Computing
Constructive Cost of Travel

DIGEST:

1. An employee, in computing constructive travel by common carrier, claims mileage and parking as if his spouse drove the employee to and from the airport. However, for computing constructive travel costs, only the usual taxicab or airport limousine fares, plus tip, should be used for comparison purposes.
2. An employee and his agency disagree over the proper computation of the cost of a Government vehicle in determining the employee's constructive travel claim between his headquarters and temporary duty station. However, for the purposes of the constructive cost of common carrier transportation, the cost of a Government vehicle may not be used since it is defined in the Federal Travel Regulations as a special conveyance and not a common carrier.
3. An employee, in computing his constructive travel claim, claims parking fees at the temporary duty location. Paragraph 1-4.3 of the Federal Travel Regulations provides a limit on reimbursement based on the constructive cost of traveling to and from the temporary duty area. Thus, local travel costs at the temporary duty area are separate from constructive travel costs to and from the temporary duty area. The employee should be reimbursed for only those local travel costs actually incurred without limitation by constructive cost.

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ISSUES

The issues in this decision involve the proper computation of constructive travel by common carrier where, for reasons of personal preference, the employee traveled by his privately-owned vehicle (POV). We hold that for constructive travel to and from the common carrier terminal, the employee must determine constructive travel on the basis of the usual taxicab or airport limousine fares, not on the basis of mileage and other expenses incurred in using the employee's privately-owned vehicle. In addition, we hold that in determining the constructive cost of travel to and from the temporary duty location, a Government-owned or leased vehicle may not be used in the cost comparison. Finally, we hold that local travel costs at the temporary duty area are separate from the constructive travel costs to and from the temporary duty location; such local travel costs may be paid only as they are actually incurred.

BACKGROUND

This decision is in response to a request from Robert A. Carlisle, Director, Division of Accounting, Fiscal and Budget Services, Region X, Social Security Administration (SSA), concerning the travel claim of Mr. Thomas L. Wingard-Phillips, an SSA employee.

Mr. Wingard-Phillips was authorized to travel from Seattle, Washington, to Salem, Oregon, in order to perform temporary duty during November 13-18, 1983. His travel order authorized travel by airplane to Portland and Salem, or General Services Administration (GSA) vehicle from Portland to Salem, but Mr. Wingard-Phillips chose to drive his own POV.

Mr. Wingard-Phillips claimed reimbursement for actual travel and per diem in the amount of \$371.35, and he computed his constructive travel on the basis of air travel from Seattle to Portland, Oregon, and use of a GSA vehicle from Portland. According to Mr. Wingard-Phillips, the constructive travel would have cost \$400.95, but the agency disputes this figure in three respects. First, the agency denied his claim for \$4 in constructive travel for parking at the Seattle airport on the basis that an employee can claim either parking or mileage but not both.

Second, the agency denied his constructive claim for \$39.65 as the daily rental charge (\$7.93/day for 5 days) for the GSA car on the basis that the "Park and Fly" GSA vehicles at the Portland airport are leased to the agency and the rental charge is paid regardless of the use of the vehicle.

Finally, the agency denied the constructive travel claim of \$22.50 for parking at the Salem office since it was unclear why the employee did not incur this cost under his actual travel. Mr. Wingard-Phillips states that the cost of parking at the Salem office would have been \$4.50 per day (\$22.50/week), except when his spouse accompanied him and drove his POV to and from the Salem office each day.

OPINION

Under the provisions of the Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR), para. 1-2.2d and 1-4.3, incorp. by ref., 41 C.F.R. § 101-7.003 (1983), an employee who uses a POV as a matter of personal preference instead of a common carrier may be reimbursed for actual travel plus per diem, but limited to the total constructive cost of common carrier transportation and constructive per diem by that method of transportation. The comparison is between total actual costs and total constructive costs. Carl H. Cotterill, 55 Comp. Gen. 192 (1975), and Rand E. Glass, B-205694, September 27, 1982.

Airport parking

We note that the agency denied the \$4 claim for parking on the basis that Mr. Wingard-Phillips can either claim round-trip mileage to and from the airport (drop-off by spouse) or mileage and parking at the airport (POV left at the terminal), but not both. However, the applicable regulation contained in FTR para. 1-2.3c provides that for local transportation to and from carrier terminals, reimbursement is allowed for the usual taxicab and airport limousine fares, plus tip, between the terminal and the employee's home or place of business. We believe, in computing Mr. Wingard-Phillips' constructive travel, that the usual taxicab or airport limousine fare must be used for comparison purposes, rather than the mileage and other costs associated with use of a POV to and from the common carrier terminal. The issue of airport parking is therefore not relevant to Mr. Wingard-Phillips' constructive travel claim, and his constructive travel cost should be recomputed on the basis of the usual taxicab or limousine fares to and from the airport terminal.

GSA rental car

Mr. Wingard-Phillips also claims as part of his constructive travel claim the daily rental charge of \$7.93 for use of the GSA rental vehicle plus a mileage charge of 9 cents per mile. The agency allowed him a higher rate of 12 cents per mile, but denied his claim for the daily rental charge since the "Park and Fly" vehicles leased by the agency are charged to the agency whether or not they are in use.

As noted above, FTR para. 1-4.3 provides that when a POV is used for official purposes as a matter of personal preference instead of common carrier transportation, the employee is reimbursed for the actual travel performed, based on the mileage rate prescribed in para. 1-4.2(a) plus per diem, not to exceed the total constructive cost of travel by common carrier. Paragraph 1-4.3a describes the modes of travel to be used for comparison, airplane, train, and bus, but there is no reference to GSA-leased vehicles.

In our decisions in Cotterill, 55 Comp. Gen. 192, and Glass, B-205694, cited above, we held that rental cars and taxis may not be included in the constructive cost of common carrier transportation under FTR para. 1-4.3, except for the usual transportation costs to and from the common carrier terminals. The rationale behind this is that rental cars and taxis are special conveyances under the FTR rather than common carriers. See FTR para. 1-1.3c(5) and 1-2.2c(4). We believe the same rationale applies to Government-owned or Government-leased vehicles. See FTR para. 1-1.3c(5) which includes Government-furnished transportation in the definition of special conveyances. Therefore, such vehicles are not forms of common carrier transportation and are not listed for comparison purposes under FTR para. 1-4.3a.

Accordingly, we conclude that Mr. Wingard-Phillips' constructive travel should be computed on the basis of common carrier transportation between Seattle and Salem, plus the usual transportation to and from the terminals. The agency's comparison using the constructive cost of a GSA vehicle is improper and may not be followed. Mr. Wingard-Phillips' claim for constructive costs should be recomputed based on the above discussion.

Parking at Temporary Duty Location

The last item in Mr. Wingard-Phillips' claim is the constructive cost of parking at the temporary duty location, Salem, Oregon. Mr. Wingard-Phillips claims that when his spouse accompanies him on his trip to Salem, instead of parking his POV at the Salem office each day

at a cost of \$4.50 per day, she drives him to and from the office. The agency denied his claim for the constructive cost of parking in Salem (if he had used the GSA vehicle) since it was unclear that Mr. Wingard-Phillips' spouse accompanied him on this trip.

It is the purpose of FTR para. 1-4.3, previously cited above, to provide a limitation on reimbursement based on the constructive costs of traveling to and from the temporary duty area. Thus, our decisions have held that local travel costs in the temporary duty area are separate from constructive travel costs to and from the temporary duty area, and such local travel costs are not to be considered as a unit in determining the constructive cost of travel by common carrier. Glass, B-205694, cited above, and Albert L. Hedrich, B-181046, November 12, 1974. Therefore, we need not consider the constructive cost of parking at the temporary duty location; Mr. Wingard-Phillips should be reimbursed only for those expenses he actually incurred at the Salem location, in this instance local mileage to and from the office each day (30 miles for the week).

Accordingly, Mr. Wingard-Phillips' travel voucher may be paid consistent with the above discussion.

for *Narry R. Van Cleave*
Comptroller General
of the United States