

DECISION

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

Koney
PLM-II
31284

FILE: B-217734

DATE:

May 28, 1985

MATTER OF: Theodore C. Knorr, Jr.

DIGEST:

A Navy employee ordered to perform temporary duty in Jeddah, Saudi Arabia, was instructed to rent a vehicle for consecutive 30-day periods for his use and for use by other personnel while he performed authorized weekend return travel to his duty station. The finance officer correctly denied reimbursement under the employee's travel orders for days that he was not in a temporary duty status. However, in this particular case, where the Navy activity itself had authority to lease a passenger vehicle for a period not in excess of 60 days, the employee's claim for the remainder of the car rental fee may be paid as an administrative expense incurred on behalf of the Navy.

An employee on temporary duty was instructed to rent a car on a monthly basis for his use and in order that other employees could use the car for official business on the weekends that he performed authorized weekend return travel. The employee claims reimbursement of the amount that was deducted for the weekends that he was not on temporary duty and did not use the car.^{1/}

Mr. Theodore C. Knorr, Jr., an employee of the United States Navy, was ordered to temporary duty in Jeddah, Saudi Arabia, from April 19, 1981, to July 18, 1981. As authorized by his orders he made eight return trips from Jeddah to his duty station in Dhahran, Saudi Arabia. He was also authorized the use of a rental car while in Jeddah. At the direction of the Administrative Officer, Saudi Naval Expansion Program, Mr. Knorr rented a car for consecutive 30-day periods so that other personnel performing temporary

^{1/} Mr. Theodore C. Knorr, Jr., appealed the settlement Z-2843628 issued by Claims Group, General Accounting Office, February 23, 1983.

032131

duty at Jeddah would be able to use the car. The Administrative Officer explained that such an arrangement would save the Government the cost of renting two cars. The rental car remained in Jeddah on those weekends that Mr. Knorr returned to his duty station, and was available for use by other personnel on temporary duty in Jeddah. An endorsement to Mr. Knorr's claim verified that other official visitors and on-board Navy enlisted personnel used the rental car for official business on the weekends that Mr. Knorr returned to Dhahran.

The local finance and accounting officer denied that portion of Mr. Knorr's claim that represented rental of the car and associated gasoline purchases for the weekends that he left the car in Jeddah and returned to Dhahran. This amounted to \$988.40. The denial was based on lack of any authority to pay for the cost of a rental vehicle when an employee is not in a travel status. The finance and accounting officer noted, however, that Mr. Knorr had acted in good faith in following his superior's instructions, and that his actions had probably provided the Government with an overall savings while meeting a valid operational need. Mr. Knorr next submitted his claim to the Claims Group of this Office, which upheld the finance officer's determination that there is no authority for the reimbursement of the cost of a rental car where an employee is not in a travel status.

The rental of automobiles is specifically authorized by Federal Travel Regulations, paragraph 1-3.2a (May 1973) incorp. by ref., 41 C.F.R. § 101-7.003 (1980). It provides that:

"* * * The hire of boat, automobile, taxicab * * *, aircraft, livery, or other conveyance will be allowed if authorized or approved as advantageous to the Government whenever the employee is engaged in official business within or outside his designated post of duty."

In limiting reimbursement for the rental of a vehicle to those occasions where the employee is on official business, the above regulation is consistent with Federal Travel Regulations, paragraph 1-1.3b, which provides that only those expenses essential to the transaction of official business

B-217734

will be allowed. In view of this limitation we have disallowed car rental expenses where an employee retained a rental vehicle for days he did not perform official business. Edward F. Miller, B-190698, April 6, 1978, and Raymond E. Vener, B-199122, February 18, 1981. We have recognized an exception only where retention of a rental vehicle for days on which no official business was performed did not increase the overall cost to the Government. B-156536, May 6, 1965.

Since the expenses claimed were not incurred by reason of Mr. Knorr's temporary duty assignment, the Department of the Navy correctly limited his reimbursement to the rental costs he would have incurred if he had rented the vehicle for his own use on a daily rather than a monthly basis. We recognize, however, that Mr. Knorr's case is distinguishable from facts involved in the decisions cited above in that the rental vehicle was not retained for his personal convenience but was used for official business by others on days he was not in a temporary duty status.

It appears that Mr. Knorr was directed by the Administrative Officer of his activity to obtain a rental car on a monthly basis to serve a legitimate transportation need of the Department of the Navy. He was so instructed only after it had been determined that a motor pool vehicle was unavailable. This need should have been accommodated, not by Mr. Knorr, but by the activity in accordance with the leasing procedures authorized by NAVFAC P-300, Chapter 3. Thereunder, Navy activities may, without funding limitations, hire motor vehicles for periods not exceeding 60 days without regard to established allowances to satisfy unusual transportation requirements. Essentially, Mr. Knorr was asked to undertake an obligation that was properly that of his activity.

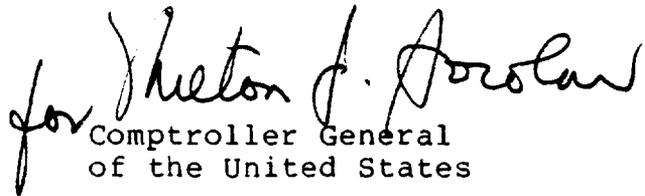
We have generally held that an employee of the Government may not create a valid claim in his favor by paying obligations of the United States from his own funds without proper authorization. 33 Comp. Gen. 20 (1953). We have recognized a limited exception in the cases where an employee uses his own funds to purchase goods or services that otherwise would have been obtained through normal procurement channels. This exception is limited to cases where the employee acts, not voluntarily, but with reason to believe the expenditure was authorized and where it would be

B-217734

unfair for the Government, as the beneficiary of the expenditure, not to pay the costs involved. B-204073, September 7, 1982.

In Mr. Knorr's case the activity had authority to enter into a 60-day lease for a vehicle to be used by Navy personnel on duty at Jeddah. Though Mr. Knorr was improperly instructed to obtain a rental vehicle to meet the activity's transportation needs, he acted with reason to believe that the expenditure was authorized, and the benefit of the expenditure accrued to the Navy. Under these particular circumstances, we would not object to the payment of Mr. Knorr's claim as an administrative expense incurred on behalf of the Navy. We are instructing our Claims Group to issue settlement in accordance with this decision.

As a general proposition, however, Government employees on temporary duty act at their peril when they spend personal funds to meet governmental needs beyond those authorized in connection with their own performance of official business.

for 
Comptroller General
of the United States

Memorandum

May 28, 1985

TO : Director, Claims Group - GGD

FROM : Comptroller General

SUBJECT: Theodore C. Knorr, Jr., - B-217734-O.M.

Your file Z-2843628 is returned together with our decision of today allowing Mr. Knorr's claim for car rental expenses. A settlement should be issued in accordance with that holding.

Attachments

Filed 5/11/85