

DECISION

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

FILE: B-216118

DATE: June 20, 1985

MATTER OF: Ross B. Kittleman

DIGEST:

An employee authorized to drive his privately owned vehicle to his temporary duty station as a matter of personal preference may be reimbursed parking fees for keeping his vehicle at that location until his return trip, provided the total costs by that means of travel, including the parking, were less than the constructive cost of travel by commercial air. In addition to mileage, reimbursement of reasonable parking fees for official travel is authorized under FTR para. 1-4.1c, unless travel orders or other administrative provisions restrict their allowance. Similar authorization in 2 JTR paras. C2152 and C4654 conforms to the FTR. Under the circumstances, the inconsistent prohibition in 2 JTR para. C4661-26, denying parking reimbursement for a privately owned vehicle used as a matter of personal preference, is disregarded.

We are asked to consider whether Mr. Ross B. Kittleman, a civilian employee of the Army Corps of Engineers, is entitled to reimbursement of expenses for parking his privately owned vehicle at his temporary duty station.^{1/}

The Government gained a cost advantage because the reimbursable costs of travel by privately owned vehicle, including the parking, were less than the Government would have been required to reimburse Mr. Kittleman had he traveled by commercial air. In that case, he should be reimbursed the parking costs.

^{1/} Mr. Gregory Zepke, Finance and Accounting Officer, Detroit District, Corps of Engineers, submitted a request for an advance decision through the Chief, Finance and Accounting Division, Directorate of Resource Management, Army Corps of Engineers.

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In December 1982 the employing office authorized Mr. Kittleman to take trips over a 120-day period between his permanent duty station, Grand Haven, Michigan, and Chicago, Illinois. The purpose of the travel was to participate in an executive development program. Return trips to his residence every other weekend were allowed.

The travel orders specified either common carrier air transportation or travel by privately owned conveyance as a matter of personal preference, with reimbursement not to exceed the constructive cost of commercial air. In other words, if Mr. Kittleman elected to use his own automobile, he would receive the lesser of the allowable expenses actually incurred by that method of travel or the costs he would have incurred had he traveled by commercial air.

In addition to using commercial air for much of the travel, Mr. Kittleman drove his automobile on four of the Chicago trips. He parked the automobile at a site near his lodging. The dates and costs of parking were as follows:

March 14 - 25, 1983 --	\$ 66.00
April 3 - 10, 1983 --	42.00
April 29 - 30, 1983 --	6.00
May 3 - 5, 1983 --	<u>10.50</u>
Total	\$124.50

The employing office's workpapers in our files show that when the parking fees are included in the total of actual travel expenses by privately owned automobile, the total for each trip was substantially less than the constructive cost by commercial air.

Mr. Kittleman believes that he is entitled to reimbursement of the parking fees under Joint Travel Regulations, Vol. 2, para. C2152 (Change No. 200, June 1, 1982) and para. C4654 (Change No. 208, February 1, 1983), applicable to civilian employees of military agencies. 2 JTR para. C2152 provides:

"1. * * * When an employee uses a privately owned conveyance as a matter of personal preference, reimbursement will be in accordance with this paragraph. * * * The mileage rates will be those prescribed in par. 4658, plus the other allowable costs enumerated in par. C4654 * * *."

Paragraph C4654 spells out costs, in addition to mileage, that are reimbursable to employees using a privately owned conveyance, including those who are authorized to drive a privately owned automobile as a matter of personal preference. The relevant portion of 2 JTR para. C4654 specifying the additional items states:

"In addition to mileage allowance, ferry fares, bridge, road, and tunnel tolls, and automobile parking fees are allowable. Travel orders may include an administrative restriction precluding or limiting such amounts * * *."

Significantly, the authority in 2 JTR para. C2152 and para. C4654, for parking privately owned automobiles used as the employee's personal preference is consistent with the Federal Travel Regulations, para. 1-4.1a and para. 1-4.1c (Supp. 1, September 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1984). FTR para. 1-4.1a, states that ordinarily mileage is payable for use of privately owned motor vehicles or airplanes provided--

"such use is authorized or approved as advantageous to the Government or as an authorized or approved exercise of the employee's preference * * *."

FTR para. 1-4.1c states:

"* * * Reimbursement for parking fees [and other specified fees] shall be allowed in addition to the mileage allowance unless the travel orders or other administrative provision restrict such allowances."

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Thus, the mileage and in turn the additional fees mentioned, such as parking, apply irrespective of whether the use of a privately owned motor vehicle is determined to be "advantageous to the Government" or an "exercise of the employee's preference." The agency may limit reimbursement of the additional allowances in the employee's travel orders or by other administrative determination.

However, 2 JTR para. C4661-2b provides that "[p]arking fees will not be included" in addition to mileage when a privately owned automobile is authorized as a matter of personal preference. This prohibition is inconsistent with 2 JTR para. C2152 and para. C4654, discussed above.

The administrative report points out that we did not allow parking in Susan P. Covell, B-191415, January 12, 1979 (affirming the decision of October 17, 1978). However, in that decision, unlike the present case, the mileage for the employee's travel by his private automobile exceeded the constructive cost of commercial air which was the maximum entitlement under FTR para. 1-4.3.

In Mr. Kittleman's case an advantage to the Government resulted from Mr. Kittleman's travel by privately owned vehicle since as shown in the workpapers of the employing office, a substantial savings resulted from use of the privately owned vehicle over the cost of air travel even when the parking costs are included. In the circumstances we find that the provisions allowing reimbursement should control and the provisions precluding reimbursement should be disregarded. This result provides reimbursement to the employee for costs actually incurred while resulting in a savings to the Government over the cost of authorized commercial travel.

Reimbursement may be made in accordance with the above discussion. The Department of Defense should consider amending the regulations to eliminate the inconsistency.

for *Milton J. Fowler*
Comptroller General
of the United States