

TRAMP  
P.M.

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**DECISION**



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

**FILE:** B-214902

**DATE:** August 20, 1985

**MATTER OF:** Gerald K. Kandel

**DIGEST:** A savings to the Government as the result of taking a rest stop in a high-rate geographical area within the conterminous United States rather than in Hawaii is not an "unusual circumstance" under paragraph 1-8.1c of the Federal Travel Regulations that would justify the payment of actual subsistence expenses at the intermediate stopover point. The employee may only be reimbursed the per diem rate. Gerald K. Kandel, B-214902, December 17, 1984, affirmed.

Mr. Gerald K. Kandel has requested reconsideration of our decision, B-214902, December 17, 1984, which denied his claim to be reimbursed for actual subsistence expenses at two high-rate geographical area rest stop locations in the United States at the beginning and end of international travel. Mr. Kandel states that we should reconsider our decision because the United States Information Agency (USIA) did not indicate in its submission that it would be more costly to the Government for employees traveling from the east coast to the Orient to stop over in Hawaii rather than on the west coast. Upon reconsideration, we find that Mr. Kandel was properly reimbursed the per diem rate of \$50 at his rest stops since there is no indication of unusual circumstances that would justify approval of the maximum daily subsistence rate of \$75 for actual expenses.

Background

To reiterate briefly the facts of the case, Mr. Kandel, an employee of the USIA, performed temporary duty travel beginning in January 1983, which originated and terminated at his permanent duty station in Washington, D.C., and included stops in Tokyo, Manila, and Hong Kong. His amended travel order authorized rest stops in Seattle and Los Angeles, both high-rate geographical areas. Although Mr. Kandel's orders authorized actual expenses not to exceed \$75, the certifying officer took

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exception to the actual expenses claimed by Mr. Kandel and limited his reimbursement at the two west coast rest stop locations to the per diem rate of \$50.

We applied the general rule requiring per diem reimbursement where a high-rate geographical area is only an en route or intermediate stopover point at which no official duty is performed. Federal Travel Regulations, para. 1-8.1b, FPMR 101-7 (September 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1983). Although paragraph 1-8.1c of the Federal Travel Regulations provides that actual subsistence expense reimbursement may be authorized or approved when it is determined that unusual circumstances of the travel have made the maximum per diem allowance inadequate, we held that there was nothing in the record indicating that unusual circumstances were involved in Mr. Kandel's travel.

#### Analysis and Conclusion

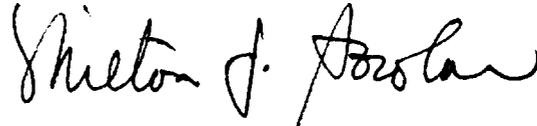
The unusual circumstance which Mr. Kandel cites as justifying reimbursement of the maximum daily subsistence rate of \$75 a day, pursuant to FTR para. 1-8.1c, is a savings to the Government as a result of scheduling his rest stops in a high-rate geographical area. He claims that it costs the U.S. Government at least \$500 more for an employee traveling from the east coast to take a rest stop in Hawaii rather than on the west coast. He attributes this, in part, to additional airfare and, in part, to an extended time in a travel status and a consequent loss of productive time.

Mr. Kandel may be correct in claiming that it would have cost the Government more for him to have taken a rest stop in Hawaii rather than on the west coast. His selection of a rest stop location that resulted in a savings to the Government is not, however, an unusual circumstance within the meaning of FTR, para. 1-8.1c.

We have recognized exceptions to the general rule requiring per diem reimbursement at intermediate stopover points at which no official duty is performed. See John F. Clarke, B-209764, March 22, 1983, and

Dale Heald, B-200081, March 25, 1981. In those cases we held that there had to be some specific kind of unusual circumstance relating to travel, such as a canceled airline flight, that provided the necessity for a high-rate geographical area to be used as the intermediate stopover point. We do not believe that a savings to the Government as the result of scheduling a rest stop in a high-rate geographical area meets this test.

Since there is no indication of unusual circumstances which would justify reimbursing the employee any more than the per diem rate, Mr. Kandel's claim is denied, and our decision of December 17, 1984, is affirmed.

A handwritten signature in cursive script, reading "Shelton J. Aroslan".

Acting Comptroller General  
of the United States