

J. M. [unclear]

DECISION



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

FILE: B-220822

DATE: June 26, 1986

MATTER OF: Nancy Wittpenn

DIGEST:

An individual not employed by the Government, but invited to participate in an exercise with the Naval Ocean Research and Development Activity, Department of the Navy, claimed the cost of a required physical examination on her claim for travel expenses. The cost of a physical examination necessary to participate in an exercise may not be paid as a travel expense; however, as in the case of an employee, when a physical examination is undergone for the benefit of the Government, the cost of the examination may be reimbursed to the invitee.

This action is in response to a request from the Department of the Navy for an advance decision regarding reimbursement for the cost of a physical examination to an individual not an employee of the Government.^{1/} We find that the individual may be reimbursed for such costs when the physical examination is found to be for the benefit of the Government.

The Navy asks whether Ms. Nancy Wittpenn, an individual associated with the University of Miami, may be reimbursed for a physical examination she underwent in connection with her participation in an exercise with the Naval Ocean Research and Development Activity, Department of the Navy. Since Ms. Wittpenn is not an employee of the Government, she was issued invitational travel orders and was reimbursed for all travel expenses to and from Montevideo, Uruguay, where the exercise, Leg II of the South Atlantic Geocorridor Cruise, began and ended.

^{1/} The request was made by L. G. Cogsdil, Disbursing Officer, Naval Oceanographic Office, Department of the Navy, Bay St. Louis, NSTL, Mississippi.

035985

In accordance with agency regulations, Ms. Wittpenn was required to have a physical examination in order to participate in the exercise. (See Department of the Navy regulations, COMSCINST 6000.1B, April 23, 1979.) Ms. Wittpenn included the cost of her physical examination on the travel voucher she submitted for reimbursement of her travel expenses. Since the applicable travel regulations do not authorize the expense of a physical examination, the Navy withheld payment and requested an advance decision regarding whether or not the expense may be paid.

Travel and Transportation Expenses

Authority for paying travel expenses of individuals performing service to the Government without pay is contained in 5 U.S.C. § 5703. Implementing regulations pertaining to individuals such as Ms. Wittpenn, who are serving the Government without pay, are contained in the Federal Travel Regulations and Joint Travel Regulations. Although under certain circumstances, individuals may be reimbursed for such travel related costs as inoculations (e.g., Volume 2, Joint Travel Regulations, paragraph C4709, Ch. 231, January 1, 1985), there is no authority for allowing reimbursement for the examination involved here. Thus, the examination may not be reimbursed as a travel expense.

Physical Examination Expenses

We have consistently allowed agencies to pay the costs of physical examinations which are required in the interest of the Government and are necessary in the performance of authorized programs. This rule covers necessary fitness for duty examinations, 41 Comp. Gen. 531 (1962), examination required after exposure to toxic chemicals, 22 Comp. Gen. 32 (1942), medication required after exposure to contagious disease, 23 Comp. Gen. 888 (1944), and a physical examination for an individual who was injured in an automobile accident with a Government vehicle and was making a claim under the Tort Claims Act, 29 Comp. Gen. 111 (1949). We have held that an applicant for employment is not entitled to payment for a pre-employment physical examination. 22 Comp. Gen. 243 (1942); 31 Comp. Gen. 465 (1952). Such examinations generally are considered to be for the primary benefit of the prospective employee. As they apply to Federal employees these rules are reflected in Part 339 of Office of Personnel Management Regulations, 5 C.F.R. §§ 339.101-304.

The rule prohibiting payment for a pre-employment physical examination, however, is applied only to routine physicals needed to determine the individual's eligibility and fitness for employment. A Government agency may pay the costs of pre-employment or other medical procedures, including physical examinations, which are primarily for the Government's interest under the rule in 22 Comp. Gen. 243, supra. B-108693, April 8, 1952; see also 23 Comp. Gen. 746 (1944). Thus, we have approved the use of appropriated funds to pay for physical examinations which are of a precautionary or preventative nature and primarily for the benefit of the Government rather than the employee. See 30 Comp. Gen. 387 (1951); 22 Comp. Gen. 32 (1942).

In the present case, Ms. Wittpenn was invited to participate in the cruise at Government expense. A requirement of such participation is that the individual undergo a physical examination. The physical examination was required by the Government for the protection of the Government due to the nature of the assignment. Specifically, the applicable regulation describes such physical examinations as necessary--

"* * * in order to minimize the probability of having to divert the ship from its mission and to ensure, insofar as possible, that involve[d] personnel will remain able to perform their duties in a satisfactory manner throughout the mission."

Therefore, the examination clearly is for the primary benefit of the Government. It is not analagous to a routine pre-employment physical examination.

Under the circumstances presented, the cost of the physical examination Ms. Wittpenn was required to have in order to participate in the cruise may be paid for from funds available for that program.

for 
Comptroller General
of the United States