



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Dr. John B. Cheatham - Rest Stop  
File: B-229103  
Date: February 29, 1988

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### DIGEST

An employee in an official travel status made an unauthorized daytime stopover as a rest stop instead of continuing travel to his destination, which by his own admission he could have reached well before nightfall. His claim for additional per diem incident to the rest stop may not be allowed. Our decisions do not approve rest stops unless travel during normal periods of rest are involved. 54 Comp. Gen. 1059 (1975).

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### DECISION

This is in response to a letter from Dr. John B. Cheatham requesting further consideration of our Claims Group's settlement Z-2864688, dated August 18, 1987, which disallowed his claim for additional per diem. For the reasons stated below, we find no basis for overturning our Claims Group's determination.

### BACKGROUND

Dr. Cheatham, an employee of the Army, was authorized to perform temporary duty travel from Fort Gordon, Georgia, to Fort Huachuca, Arizona, and return during the period September 22-25, 1986. His authorized itinerary provided that he was to fly to Tuscon, Arizona, rent an automobile, and drive to Fort Huachuca the same day. He was then to report to the billeting office at Fort Huachuca that afternoon to determine if adequate government quarters were available. His authorization went on to state as a caveat that failure to use such available quarters "will result in loss of quarters portion of per diem."

Dr. Cheatham did not perform travel to Fort Huachuca as authorized. He arrived in Tuscon at 12:51 p.m. local time on September 22, 1986, but instead of driving to Fort Huachuca that afternoon and reporting to the Fort billeting office as instructed, he chose to use Tuscon as a rest stop. He remained there until 6:15 a.m. the next day at which time

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he drove to Fort Huachuca. At the completion of business at Fort Huachuca on the afternoon of the 24th, he drove back to Tuscon, remained there overnight, and returned to Fort Gordon on September 25.

Because Dr. Cheatham claimed reimbursement at the Tuscon rate (\$73) for his overnight there on September 22 rather than the Fort Huachuca rate (\$50), his agency submitted the claim to our Claims Group for direct settlement. Our Claims Group disallowed the claim, concluding that the stopover in Tuscon was unauthorized and, thus, a matter of personal convenience. Z-2864688, cited above. The Claims Group's denial was based on the lack of authorization for the change in travel plans.

Dr. Cheatham states that he had traveled nearly 9 hours by the time he arrived in Tuscon. Since he was still confronted with a 1-1/2 to 2 hour drive to Fort Huachuca, he argues that to require him to travel that additional distance without rest would violate both the letter and the spirit of the regulations regarding exercise of prudence while traveling.

#### RULING

In our decision in 54 Comp. Gen. 1059 (1975), we considered a per diem claim incident to an unauthorized overnight stop in a situation similar to Dr. Cheatham's. We ruled that the employee may not be reimbursed. In reaching that conclusion and citing to our decisions in B-164709, Aug. 1, 1968, and B-135092, Mar. 10, 1958, we stated that this Office has never approved payment for a rest stop unless travel during normal periods of rest are involved. The determining factor is the hours of the day at which the employee must travel. Further, if night travel is not involved, per diem for a rest stop is not authorized. 54 Comp. Gen. 1059, 1061, cited above.

In the present case, Dr. Cheatham arrived in Tuscon at 12:51 p.m. local time. Since the maximum travel time to Fort Huachuca was 2 hours, he would have arrived there at

approximately 3 p.m. local time, long before nightfall and well before normal hours of rest would be involved. Therefore, we find no basis to overturn our Claims Group's settlement of the claim.

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