

Beetsford



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Henry J. Gerke, III - Reimbursement of Per Diem
and Kennel Fees While on Househunting Trip
File: B-227189
Date: March 25, 1988

DIGEST

An employee transferred to Denver, Colorado, from Washington, D.C., claims entitlement to higher per diem rate for a househunting trip than the rate authorized by his agency and, in addition, seeks reimbursement for kennel fees incurred during the period of that trip. In accord with the provisions of FTR paragraphs 1-7.5a and 2-4.3b he is entitled only to the standard CONUS per diem rate rather than the higher rate prescribed for temporary duty travel to Denver. (See FTR Appendix 1-A). Since kennel fees are not specifically authorized by either the travel or relocation statutes and regulations, such fees may not be allowed.

DECISION

This decision is in response to a request from the Acting Chief of the Division of Financial Management, Office of Surface Mining, Reclamation and Enforcement (OSMRE), United States Department of the Interior, for our opinion concerning the entitlement of Mr. Henry J. Gerke, III, to reimbursement of kennel fees he incurred during a househunting trip and the correct rate of per diem for that trip. The OSMRE denied Mr. Gerke's claim for kennel fees and limited his reimbursement of per diem to the maximum standard rate rather than the higher rate prescribed for the location of his new duty station. For the reasons stated below, we find that the determinations made by OSMRE were correct.

On September 2, 1986, Mr. Gerke received notice of his transfer from Washington, D.C., to Denver, Colorado. This transfer was, according to Mr. Gerke, part of a mass relocation of OSMRE Headquarters to Denver and Pittsburgh. He was issued a travel authorization dated October 27, 1986, which noted a reporting date of February 2, 1987, and provided for reimbursement of a full range of relocation

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expenses including a househunting trip for Mr. Gerke and his wife.

Mr. Gerke submitted a voucher for the expenses of his househunting trip which included per diem at a rate of \$90 and expenses for boarding his dog in a kennel. The OSMRE disallowed the per diem rate Mr. Gerke claimed, limiting his reimbursement to \$50 per day, on the basis that there was no authority in the Federal Travel Regulations to pay the higher rate. Similarly, the OSMRE denied his claim for the kennel expenses on the grounds that the Federal Travel Regulations do not provide for reimbursement of such expenses.

In a change to the Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR), effective July 1, 1986, and transmitted by General Services Administration (GSA) Bulletin FPMR A-40, Supplement 20, paragraph 1-7.5 provides that the per diem allowance for all official travel within CONUS (defined as the conterminous United States) will be computed under the lodgings-plus per diem system. Under that system the per diem allowance is established on the basis of the actual amount the traveler pays for lodging plus a prescribed allowance for meals and expenses--not to exceed the applicable maximum per diem rate.

At the time of Mr. Gerke's transfer, FTR Appendix 1-A prescribed \$25 as the maximum lodging amount plus \$25 for the meals and incidental expenses allowance for a \$50 maximum standard CONUS rate. Appendix 1-A also prescribes additional maximum per diem rates for certain specific localities. Among these is a maximum rate for Denver, Colorado, which was \$90 at the time Mr. Gerke transferred. However, FTR paragraph 1-7.5a provides that ". . . the standard CONUS rate applies in certain specified travel circumstances . . . and for subsistence allowances incident to a change of official station (see Parts 2-2, 2-4 and 2-5)." Part 2-4 of the FTR concerns househunting trips. FTR paragraph 2-4.3b provides that per diem allowances for the househunting trip shall be as prescribed in FTR paragraphs 2-2.1, 2-2.2b, and 2-2.3d. In turn, FTR paragraph 2-2.1 (Supp. 20) specifically provides that "the maximum per diem rate allowable for travel within the CONUS shall be the standard CONUS rate prescribed under 1-7.2 (see also 1-7.5a)." As a result, OSMRE was correct in applying the standard CONUS rate to Mr. Gerke's househunting trip.

Mr. Gerke contends that the use of the standard CONUS rate means that an employee and spouse on a househunting trip are expected to live on less than a single person

performing routine travel. He also indicates that this results in an economic hardship and forces federal employees and family to pay additional amounts when a mandatory government transfer occurs. Citing FTR paragraph 1-7.3 (Supp. 20) for the proposition that inadequate CONUS rates may be adjusted, Mr. Gerke asks the Comptroller General to review this situation and require payment of the higher rate. Paragraph 1-7.3 of the FTR provides at subparagraph a that:

"Federal agencies may submit a request to GSA for review of the subsistence costs in a particular city or area when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed standard CONUS per diem rate is inadequate. Other per diem rates listed in Appendix 1-A will be surveyed on an annual basis to determine whether rates are adequate. Agencies' requests shall be submitted to the General Services Administration"

This regulation does not grant the Comptroller General authority to do as Mr. Gerke requests. Rather, it provides an opportunity for agencies to request GSA to change local per diem rates. The Comptroller General may rule only on whether the GSA regulations, as written, have been properly applied. As stated earlier, the per diem rate applied to Mr. Gerke's travel is the one prescribed by the regulations. As a result, there is no basis upon which we may authorize an increase in his reimbursement.

Mr. Gerke also questions OSMRE's determination that he is not entitled to reimbursement for kennel costs he incurred while on the househunting trip. In Michael J. Washenko, B-219094, Dec. 5, 1985, and John A. Maxim, Jr., B-212032, July 6, 1983, we held that kennel costs incurred by employees while on temporary duty were not reimbursable. We did so on the grounds that neither section 5 U.S.C. § 5706 (1982), which authorizes the payment of actual and necessary expenses incurred by employees traveling on official business away from their duty stations, nor that statute's implementing regulations found at Chapter 1, Part 9 of the FTR, contains any authorization for payment of kennel costs. We held that in the absence of statutory or regulatory authorization, kennel costs must be regarded as a personal expense and may not be paid by the government. Similarly, neither 5 U.S.C. § 5724a(a)(2) (1982), which governs reimbursement for househunting expenses, nor the implementing regulations contained in Chapter 2, Part 4 of the FTR provide authorization for reimbursement of kennel

fees. In the absence of authority for reimbursement of such expenses, payment cannot be made. See William D. Fallin, B-210468, Apr. 12, 1983.

In contending that he is entitled to reimbursement for kennel costs Mr. Gerke cites an Office of Management and Budget document which appears to be entitled "Preparation and Submission of Budget Estimates (1985), Appendix D, Object Classification," and memorandum dated September 7, 1986, from the OSMRE Deputy Director, Administration and Finance, entitled "Instructions for Fiscal Year 1987 Operating Budget." Each of these documents, under a heading called "Transportation of Things," refers to "Contractual charges incurred for the transportation of things (including animals), for the care of such things while in the process of being transported, and for other services incident to the transportation of things." Mr. Gerke states that these directions required identification and payment of costs associated with the care and transportation of animals associated with the relocation of federal employees, that they were used in addressing the relocation of the OSMRE staff and in obtaining congressional approval of the funding for the transfers, and that, therefore, they had congressional approval and his claim should be allowed.

Paragraph 2-1.4h of the FTR, specifically excludes birds, pets and livestock from those household goods which may be shipped at government expense. That regulation implements the statutory authority, found at 5 U.S.C. § 5724 (1982), for shipment of an employee's household goods. Without specific amendment to these statutory or regulatory provisions, there is no authority for the payment of transporting or caring for an employee's pet in connection with his relocation. The documents cited by Mr. Gerke do not affect his entitlements.


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