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**The Comptroller General  
of the United States**

Washington, D.C. 20548

**Decision**

**Matter of:** Dr. Timothy L. Crawford - Airplane Mileage -  
Transfer of Permanent Station  
**File:** B-228781  
**Date:** April 14, 1988

**DIGEST**

Travel orders authorized an employee to be paid mileage for the use a privately owned airplane for travel to the employee's new duty station incident to his transfer. A determination was made that use of the airplane would be advantageous to the government. The airplane was needed at the new duty station to conduct experiments and for temporary duty travel. Because travel regulations gave the employing agency discretion to authorize the mileage and the employee used the airplane for the transfer, mileage should be reimbursed to the employee.

**DECISION**

We decide that Dr. Timothy L. Crawford, an employee of the National Oceanic and Atmospheric Administration, United States Department of Commerce, is entitled to mileage for traveling to his new permanent duty station in his privately owned airplane.<sup>1/</sup>

Doctor Crawford transferred from Muscle Shoals, Alabama, to Idaho Falls, Idaho, in August 1986. His travel orders authorized mileage for a privately owned aircraft at 45 cents per mile and a privately owned automobile at 19 cents per mile. The travel orders stated that both methods of transportation were determined to be more advantageous to the government than common carrier or other means of travel. By memorandum of May 15, 1987, Dr. Crawford's supervisor stated that the aircraft was justified as advantageous to the government because Dr. Crawford would be using it for temporary duty travel away from his new duty station, as well as to conduct

<sup>1/</sup> Mr. Clayton J. Terry, Authorize Certifying Officer, Chief, Finance Division, Western Administrative Support Center, Department of Commerce, requested our decision.

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airborne experiments. According to the memorandum, the aircraft would frequently be the most efficient and least costly means of temporary duty travel, especially to remote field research sites.

Evidently Dr. Crawford flew the aircraft from Muscle Shoals to Idaho Falls, and his wife drove the privately owned automobile in the company of their two children.

The chief of the Finance Division, Western Administrative Support Center, United States Department of Commerce, allowed automobile mileage in the amount of \$329.46, but disallowed aircraft mileage of \$702.45. His administrative report states that the Federal Travel Regulations do not authorize mileage for a permanent change of station travel by a privately owned aircraft.

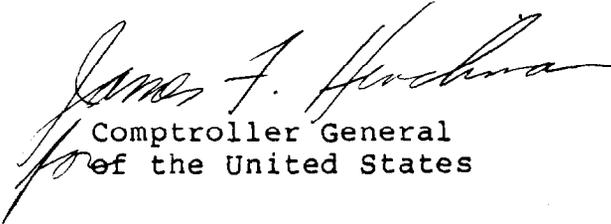
The Federal Travel Regulations (FTR) (Supp. 1, September 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1981) authorize the payment of mileage for the use of a privately owned airplane for a transfer when the employing agency determines that travel by a privately owned aircraft is most advantageous to the government. Paragraph 2-2.1 of the FTR applicable employee transfers, provides in part as follows:

"Except as specifically provided in these regulations per diem instead of subsistence expenses, transportation costs, and other travel expenses of the employee shall be allowed in accordance with the provisions of 5 U.S.C. § 5701-5709 and Chapter 1 [of the FTR] . . . . This part [2] applies to the travel of transferred employees . . . ." (Emphasis added.)

Thus, for regulating the travel expenses of transferred employees including their transportation costs, FTR, para. 2-2.1, specifically incorporates and applies the provisions of 5 U.S.C. §§ 5701-5709 and chapter 1 of the FTR, except as otherwise specified in the FTR. Section 5704 of Title 5, United States Code authorizes the payment of mileage for the use of a privately owned airplane in an amount not in excess of 45 cents per mile. The only specific provision in the FTR applicable to airplane mileage is in chapter 1, para. 1-4.2a. It provides that when use of a privately owned airplane is authorized or approved as advantageous to the government for the performance of official travel, reimbursement shall be at 45 cents per mile.

Authorizing an employee mileage for use of a privately owned conveyance as advantageous to the government is discretionary with the employing agency. 52 Comp. Gen. 446 (1973), at 451. However, once travel orders lawfully authorize a travel expense and the employee performs the travel, the employee's right to the expense vests, and the travel orders may not be changed to deny entitlement to reimbursement. Dr. Sigmund Fritz, 55 Comp. Gen. 1241 (1976); Jack Mohl and Jerry W. Elliott, B-213816, May 22, 1984.

Since the employing office properly authorized the airplane mileage in travel orders and Dr. Crawford used his privately owned airplane for the transfer, the mileage should be reimbursed.

  
Comptroller General  
of the United States