



**The Comptroller General  
of the United States**

Washington, D.C. 20548

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## Decision

Jerome J. Grall and Richard L. Foster - Per Diem  
Rate for Long-term Training

**Matter of:**

B-229164

**File:**

**Date:**

October 27, 1988

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### DIGEST

Notwithstanding erroneous information regarding applicable per diem rates for extended temporary duty for training given to employees of the Department of the Army, they are limited to the per diem rate provided by the Joint Travel Regulations.

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### DECISION

In this request for advance decision we are asked to determine if per diem payments made to civilian employees of the Department of the Army for extended temporary duty for training were appropriate.<sup>1/</sup> For the reasons that follow we find the payments to have been proper.

Messrs. Richard L. Foster and Jerome J. Grall, employees of the U.S. Army Air Defense Center, Fort Bliss, Texas, were assigned to attend the German Air Force Air Defense School for a Technical Officer Course in Burlington, North Carolina. Mr. Foster attended from January 9, 1982, to July 17, 1982, and Mr. Grall attended between June 11, 1981, and December 19, 1981.

At the time of Mr. Grall's departure for this training, he alleges he was incorrectly informed by the Directorate of Industrial Operations Office at Fort Bliss that the applicable per diem would be \$50. However, Messrs. Foster and Grall were authorized and paid at a per diem rate of \$28 pursuant to para. C4552-2(b) of the Joint Travel Regulations (JTR), vol. 2 (Change No. 187, May 1, 1981), which limits

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<sup>1/</sup> This request was forwarded by the Per Diem, Travel and Transportation Allowance Committee, PDTATAC Control No. 87-18.

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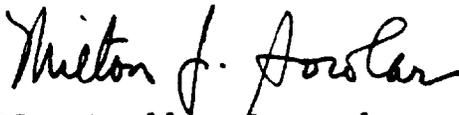
per diem for long training assignments to 55 percent of the applicable rate for the locality.<sup>2/</sup>

The JTR provisions clearly establish the applicable per diem rate, and absent error there is no authority to pay a higher rate. Larry Jon Heglund, B-183633, June 10, 1975.

While Mr. Grall was at the training site, he requested that the location, Burlington, North Carolina, be designated a high cost area so that his payment would be based on 55 percent of \$75. Mr. Grall contends that his request for actual expense allowance was never fully answered. We disagree since the agency sent a response dated December 9, 1981, stating that actual expense allowances could not be authorized and that according to the Per Diem, Travel and Transportation Allowance Committee, exceptions to the 55 percent limitation would be the subject of future regulations. See 2 JTR para. C4552(3)(e) (Change No. 200, June 1, 1982) which set forth the procedure effective June 1, 1982, to request approval for payments in excess of the 55 percent limitation.

Finally, both Messrs. Grall and Foster contend that they were misled as to the amount of per diem they would receive. Although they were told and were initially authorized a per diem rate of \$50, this does not establish the erroneous rate (\$50) as the per diem to which they are entitled. In Heglund, supra, we pointed out that erroneous information with regard to the applicable per diem rate given by a government employee is an unauthorized act of that agent and it neither binds nor estops the United States. See also Western Pennsylvania Horological Institute, Inc. v. United States, 146 Ct. Cl. 540 (1959); Ryan v. United States, 208 Ct. Cl. 986 (1975).

Accordingly, we find the per diem payments made to these employees were correct.



**Acting** Comptroller General  
of the United States

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<sup>2/</sup> See 5 U.S.C. § 4109 (1982) and 5 C.F.R. § 410.603 (1982) governing subsistence payments for extended training assignments.