



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Peter R. Maloney - Temporary Duty Travel - Special
Conveyance - Rental Car
File:
Date: B-229466 . "
December 5, 1988

DIGEST

A military member was issued temporary duty travel orders authorizing a rental car at a 9-day workshop where the member's lodging and meals were available. The evidence now before the Comptroller General does not show that the authorization was clearly erroneous, and based on that evidence the travel orders should not be retroactively changed to deny reimbursement of the member's car rental expense. The agency sponsoring the workshop recommended a rental car to obtain meals and travel to and from the airport, and the car was to be available if the member traveled to a temporary duty site. The subjective determination as to whether meals for 9 days at the workshop location were "not suitable" so as to justify a rental car was a discretionary management decision upon issuance of the travel orders.

DECISION

This decision authorizes car rental expenses incurred on temporary duty by Lieutenant Colonel Peter R. Maloney, United States Army, assigned to the Armament, Munitions and Chemical Command, Picatinny Arsenal, New Jersey.^{1/}

Colonel Maloney traveled on temporary duty to attend a workshop at the Holiday Inn in Huntsville, Alabama, between January 27 and February 4, 1987. The military organization sponsoring the workshop recommended in a written announcement that persons attending obtain a rental car because of the distances between the Holiday Inn, the airport, and

^{1/} Bernard F. McCullough, Finance and Accounting Officer, United States Army Armament, Munitions and Chemical Command, Picatinny Arsenal, requested our decision.

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dining locations. The travel orders authorized a rental car and bore notations that the workshop was to be held at the Holiday Inn and that the rental car was to be used from airport to lodging, as well as to temporary duty point and return. The orders were signed by an "approving official," Colonel Maloney's superior officer, and a person signing for the finance officer, Armament, Munitions and Chemical Command, Picatinny Arsenal.

However, after the travel was performed, the finance officer disallowed the car rental expense that Colonel Maloney claimed on his travel voucher, since he had stayed at the Holiday Inn where the workshop was held and meals were available. Further, the finance officer determined that the Holiday Inn provided free transportation to and from the airport and that Colonel Maloney did not otherwise use the rental car for official business. Colonel Maloney and his superior officer who had approved the travel orders argue that the orders authorized a rental car, it was used for official purposes in obtaining meals and traveling to and from the airport as recommended by the workshop sponsor, and the car would have been needed for travel to Redstone Arsenal if Colonel Maloney had performed duty there under arrangements planned before the trip.

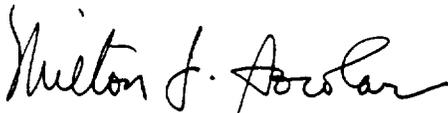
Colonel Maloney's travel orders authorized the rental car as provided by regulations for special conveyances permitted at government expense when the official issuing the orders determines that the other methods of transportation are not advantageous to the government. See Joint Federal Travel Regulations (JFTR), vol. 1, para. U3415. A special conveyance, including a rental car, is specifically authorized at a temporary duty location if suitable meals or lodging cannot be obtained at the member's place of business or if the member must travel between places of business. 1 JFTR para. U3510.

Unless travel orders are clearly erroneous, they are not to be modified retroactively to enlarge or diminish the allowances granted by the orders. Steve Frederick, B-217630, July 25, 1985. We have no information in our records that the authorization of a rental car in Colonel Maloney's travel orders was clearly erroneous. We cannot in this case determine whether meals obtainable at the member's place of business were "suitable" within the meaning of 1 JFTR para. U3510. The answer is highly subjective and best left to the discretion of the employing agency upon authorizing the travel orders, especially in the context of a conference lasting 9 days such as the Holiday Inn workshop attended by Colonel Maloney. Accordingly, the evidence is insufficient to overcome the presumption that the travel orders legally

authorized the rental car in accordance with the workshop sponsoring organization's advice and recommendation.

The finance officer observes that in our decision Thomas P. Wool, B-186820, Feb. 23, 1978, we stated that reimbursement should not be made unless a proper agency official determined that the rental vehicle was used for official government business, even though the travel orders had authorized a rental car. However, there, unlike the present case, the rental car was used for conference business conducted by a private organization, and we could not presume that the use was for official government business.

Accordingly, based on the record before us, Colonel Maloney should be reimbursed his car rental expense.

for 
Comptroller General
of the United States