



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Michael T. Green - Relocation Travel - Use of Two
Privately Owned Vehicles - Mileage and Per Diem

File: B-232370

Date: May 10, 1989

DIGEST

1. An employee, transferred from Fairbanks, Alaska, to Washington, D.C., was initially authorized to drive one privately owned vehicle (POV), to be accompanied by his wife and dependent child, with a second dependent child to travel by air at a later date. His travel authorization was amended to permit delayed relocation travel by his wife using a second POV, to be accompanied by the second dependent child. Employee was allowed mileage only for first POV. Under paragraph 2-2.3e(1) of the Federal Travel Regulations, use of more than one POV in lieu of other modes of personal transportation may be authorized under certain specified conditions. Since the conditions were met and agency approval was granted, mileage for the second POV is allowed.

2. An employee, transferred from Fairbanks, Alaska, to Washington, D.C., by amendment to his travel authorization, was authorized to use two privately owned vehicles (POV), to transport himself and his immediate family, based on his wife's need to delay her relocation travel. The employee drove one POV and was paid travel per diem at the full rate. His wife, who drove the second POV at a later date, was allowed per diem only at the accompanied rate (75 percent of full per diem). Under paragraph 2-2.2b(1)(b) of the Federal Travel Regulations, per diem at the full rate applies to her since she drove a second POV as an authorized mode of transportation on different days than the employee.

DECISION

This decision is in response to a request from an Authorized Certifying Officer, Bureau of Land Management (BLM), Department of the Interior.^{1/} The question asked is whether an employee may be reimbursed mileage and en route per diem

^{1/} Mr. Jerry A. Fries, file reference 1382 (820).

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at the full per diem rate on behalf of his wife who performed separate relocation travel by a second privately owned vehicle (POV). We conclude he may be reimbursed for the following reasons.

BACKGROUND

Mr. Michael T. Green, an employee of BLM, was transferred from Fairbanks, Alaska, to Washington, D.C., in August 1987. He was initially authorized to travel by POV, and to be accompanied by his wife and one dependent child. His other dependent child was authorized to travel by air at a later date. By amendment to his travel authorization, Mr. Green was authorized travel by POV, but to be accompanied only by one dependent child. His wife was authorized to travel by a second POV at a later date, to be accompanied by the other dependent child who originally had been authorized air travel. The reason given for amending the travel authorization was to permit Mrs. Green to delay travel because they had not sold their Alaska residence. Mr. Green, on the other hand, could not delay his travel due to other commitments, including the need to arrive at his new duty station before the beginning of the school term so that he could timely enroll his daughter for her senior year in high school.

Mr. Green's claim for per diem on behalf of his wife at the full per diem rate was disallowed by BLM, but he was reimbursed for her per diem as though she had accompanied him (75 percent of the full per diem rate). The reason given by BLM was its policy that only one POV may be transported to and from Alaska and that a POV driven by an employee or member of his family is considered a vehicle transported. Consequently, even though Mrs. Green drove a second POV, the agency concluded that such usage did not qualify her so as to permit payment of per diem at the full rate or mileage for use of the POV as a mode of personal transportation.

OPINION

We do not agree with BLM's determination. The entitlement to transport (ship) a POV at government expense and an employee's entitlement to be reimbursed for his and his immediate family's relocation travel are separate and distinct statutory rights. The law and regulations governing the transportation of a motor vehicle are contained in 5 U.S.C. § 5727 (1982) and chapter 2, part 10

of the Federal Travel Regulations (FTR).^{2/} In contrast, the laws governing travel and subsistence expense reimbursement for an employee and his immediate family incident to a transfer are contained in 5 U.S.C. §§ 5724 and 5724a (1982), as implemented by chapter 2, part 2 of the FTR. Debra R. Hammond, 65 Comp. Gen. 710 (1986). We have held that so long as the use of a second POV for personal travel purposes is approved in lieu of other modes of transportation, and so used, reimbursement for a second POV is authorized on a mileage basis. David J. Dossett, B-217691, July 31, 1985.

Paragraph 2-2.3a of the FTR, which authorizes POV use for relocation travel, states that such "use is deemed to be advantageous to the Government." Normally, only the use of one POV as a mode of personal transportation is authorized. However, FTR, para. 2-2.3e(1) provides:

"(1) When authorized as advantageous to the Government. Use of no more than one privately owned automobile is authorized under this part . . . except under the following circumstances . . . :

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"(c) If an employee must report to a new official station in advance of travel by members of the immediate family who delay travel for acceptable reasons such as completion of school term, sale of property, settlement of personal business affairs, disposal or shipment of household goods, and temporary unavailability of adequate housing at the new official station;

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"(e) If, in advance of the employee's reporting date, immediate family members must travel to the new official station for acceptable reasons such as to enroll children in school at the beginning of the term."

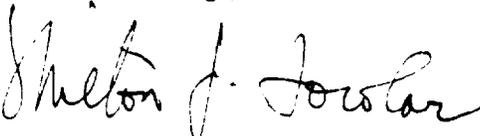
Under FTR, para. 2-2.3e(2), where more than one POV is authorized, the mileage rate prescribed in paragraph 2-2.3b, c and d apply to each POV and its occupants.

The reasons given by Mr. Green (the need for his wife to delay travel and his inability to delay travel) were found

^{2/} Incorp. by ref., 41 C.F.R. § 101-7.003 (1988).

acceptable by order issuing authority. As a result, his travel authorization was amended to permit the use of a second POV by his wife and the other dependent child. Therefore, since use of a second POV was authorized for travel purposes, Mr. Green may be reimbursed mileage for its use under FTR, para. 2-2.3b at the rate applicable for two occupants.

With regard to per diem entitlement, FTR, para. 2-2.2b(1)(b) provides that if a spouse does not accompany an employee, the spouse is authorized the same per diem as the employee. The only limitation is that when a spouse who is driving a second POV performs travel "on the same days along the same general route" that the employee is driving in another POV, the spouse is entitled only to the accompanied rate of per diem. Clearly, that limitation does not apply in the present situation. Mr. Green began his relocation travel on August 16, 1987, and ended it on August 28, 1987. Mrs. Green did not begin her relocation travel until September 3, 1987. Therefore, Mr. Green is entitled to per diem at the full per diem rate on behalf of his wife computed on the basis stated in the travel authorization, i.e., days in actual travel status, or an average of 350 miles a day, whichever is less.

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