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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Joyce T. Esworthy, et al.
File: B-235109
Date: September 25, 1989

DECISION

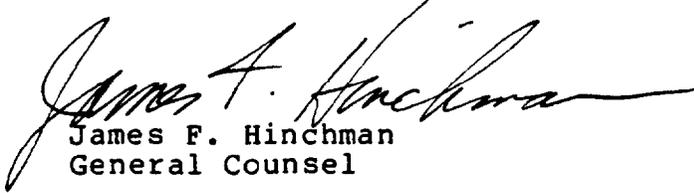
An authorized official of the Department of Energy asks whether three employees, Joyce T. Esworthy, Joan D. Shepley, and Judy Virts, may be reimbursed for the lodging and meal expenses that they incurred while staying at a motel within the city limits of their place of abode while attending an agency conference in September 1988. The agency issued travel orders to each employee authorizing them a per diem of up to \$77 for the cost of lodging and meals at the conference and gave the employees travel advances based on their estimated subsistence expenses. The travel orders, however, were erroneous since applicable regulations specifically preclude allowing per diem "at, or within the vicinity of the place of abode (home) from which the employee commutes daily." See Federal Travel Regulations, para. 1-7.4a (Supp. 20, May 30, 1986). See also 64 Comp. Gen. 70 (1984). Therefore, these employees may not be reimbursed for the subsistence expenses that they incurred, and each employee is indebted for any travel advance still outstanding.

We note, however, that repayments of amounts advanced for travel expenses may be considered for waiver under 5 U.S.C. § 5584 (Supp. IV 1986), when the advance was made to cover expenses erroneously authorized and the employee spent the advance in reliance on erroneous travel orders. Rajindar N. Khanna, 67 Comp. Gen. 493 (1988). It is, however, only the amount of the travel advance that remains outstanding after deduction of legitimate expenses that is subject to waiver consideration. Id. See also Darlene Wyrick, B-233353, June 2, 1989.

After application of these rules to the information provided by the agency, it appears that Ms. Esworthy and Ms. Shepley have outstanding travel advances subject to waiver consideration, but Ms. Virts does not since her advance was applied to other legitimate expenses. We are returning the

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case to the agency for its consideration under the waiver standards, 4 C.F.R. parts 91-93, since the amounts subject to waiver for Ms. Esworthy and Ms. Shepley are less than \$500. See 5 U.S.C. § 5584(a)(2).



James F. Hinchman
General Counsel