



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Robert H. Ray, Sr.
File: B-237693
Date: March 30, 1990

DECISION

The Air Force scheduled permanent-change-of station travel for Mr. Robert H. Ray, Sr., outside his normal duty hours. He was required to be in a travel status from 7:30 a.m., Friday, when he departed Mississippi, until he arrived at his new duty station in the United Kingdom at 1 p.m. on Saturday.^{1/} We conclude that the agency properly denied Mr. Ray's claim for overtime compensation.

Congress has authorized overtime pay for traveltime only under the specifically limited circumstances enumerated in 5 U.S.C. § 5542(b)(2)(B). Erich P. Rudolph, B-236012, Nov. 8, 1989. None of the enumerated circumstances existed here, and we have previously determined that Congress has not authorized overtime compensation as a remedy for an agency's failure to adhere to the policy of trying to schedule travel during regular duty hours, where practicable. 5 U.S.C. § 6101(b)(2) (1988). See Charles C. Mills, B-198771, Dec. 10, 1980.

The record does not state whether Mr. Ray is non-exempt under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 et seq. If he is non-exempt, Mr. Ray could be eligible for overtime under the FLSA if he traveled on nonworkdays during hours which correspond to his regular workday hours. See Gerald A. Mendiola, et al., B-210722, Dec. 27, 1983.


James F. Hinchman
General Counsel

^{1/} The Chief, Accounting and Finance, Headquarters 20th Tactical Fighter Wing (USAFE), Department of the Air Force, requested an advance decision.

048213/141069