



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: J. C. Morris - Recall from Annual Leave - Travel Expenses

File: B-242804

Date: June 3, 1991

DIGEST

An employee on annual leave was recalled to duty, but became ill before he could respond. He remained at the leave point in a sick leave status and required his wife's assistance for his return travel. His claim for his wife's travel expenses and for his return travel at the conclusion of the illness is denied. An employee on annual leave is required to return to duty at his own expense, even when officially recalled to duty. His need for assisted travel due to illness which occurred while on annual leave does not alter that conclusion.

DECISION

This decision concerns the entitlement of an employee of the Strategic Petroleum Reserve (SPR), Department of Energy,^{1/} who became ill at his leave point to be reimbursed expenses of travel to his duty station incident to an official order.

Mr. J. C. Morris is an employee of the Strategic Petroleum Reserve Project Management Office (SPR), stationed at St. James, Louisiana. On August 1, 1990, he requested and was granted annual leave for Friday, August 24, 1990, and for the period Monday, August 27, 1990, through Friday, September 7, 1990.

On August 2, 1990, and on August 6, 1990, the SPR was placed in a Drawdown Alert Level I and II status as a result of the Iraqi invasion of Kuwait. On August 21, the Project Manager issued a memo to all supervisors notifying them that annual leave would continue to be granted to employees, but, that in the event that the SPR was required to go to Alert Level III

^{1/} Requested by Mr. Roger A. Butler, Authorized Certifying Officer.

(drawdown and sale), leave could be canceled and those on leave would be required to immediately return to duty.

Based on that memo, Mr. Morris sought assurances on August 22nd and August 23rd that it would be appropriate for him to begin his leave on the 24th. He was advised he could proceed on leave. Early on the 24th, Mr. Morris began his trip to his leave point approximately 600 miles away. Later that same day, based on reports of further deterioration of world conditions and in anticipation of an Alert Level III notice, a telephone message was left at Mr. Morris' leave point for him to call his supervisor upon his arrival. At approximately 8 p.m. on August 24th, Mr. Morris called and was informed that his leave was canceled and he was to report for duty at his duty point on Monday morning, August 27, 1990.

Subsequent to that notice, Mr. Morris became ill at his leave point and was unable to return to his residence near his duty point until September 4, 1990. His Time and Attendance Reports were prepared to show that he was authorized sick leave for the period August 27-31, 1990, and for September 4, 1990. He reported for duty on September 5, 1990.

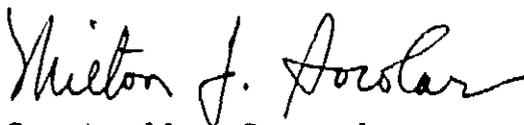
Following his return to duty, Mr. Morris sought reimbursement for expenses incurred by his wife for her travel to his leave point on August 31st to bring him home and their return travel on September 4th. The agency, while recognizing that travel expenses to and from a leave point normally are not reimbursed, suggests that the circumstances here might be the exception and thus permit reimbursement.

The general rule is that when an employee proceeds to a point away from his official duty station on annual leave he assumes the obligation of returning to his duty station at the conclusion of that leave at his own expense. Paul P. Magallanes, B-190646, January 25, 1978, and decisions cited. This includes personal expenses necessitated by emergency recalls. Alvin N. Kirsch, B-231458, September 9, 1988. However, where the employee is required to interrupt leave to perform duty at his permanent duty station or temporary duty elsewhere and is then permitted to resume annual leave, he is entitled to travel expenses to the duty point and return to the leave point. Paul P. Magallanes, supra. In situations where travel expenses incident to recall from annual leave and return are payable, travel expenses of the employee's spouse and other costs, such as forfeiture of hotel deposits at the leave point, may not be reimbursed. Dr. Karl G. Kessler, B-190755, June 15, 1988.

In the present case, if Mr. Morris had responded to his recall that weekend and returned for duty on Monday, August 27th, there would be no authority to reimburse him for

that return travel unless he traveled back to his leave point and resumed annual leave. Paul P. Magallanes, supra. The fact that illness prevented him from responding to the recall for a protracted period would not change that conclusion. When illness occurs during periods of annual leave, it is proper to change the employee's status from annual leave to sick leave, but that does not require the government to assume the obligation to return him to his duty station, or to reimburse him for the expenses of that return travel. Cf. 41 C.F.R. Part 301-12 (1990), regarding illnesses while performing official temporary duty travel.

Accordingly, Mr. Morris may not be reimbursed for his wife's travel to his leave point on August 31st, or their return travel on September 4, 1990.

for 
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