



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Michael Godby
File: B-245103
Date: December 12, 1991

DECISION

The U.S. Department of Labor and the National Council of Field Labor Locals (NCFLL) request our decision on the claim of Mr. Michael Godby for reimbursement for personal telephone expenses incurred by Mr. Godby while traveling on official business.¹ The facts are not in dispute. At issue is whether the agency has properly implemented the applicable regulations issued by the General Services Administration. For the reasons stated below, we conclude that the agency acted within its authority.

While on a temporary duty assignment away from his official duty station in Harrisburg, Pennsylvania, Mr. Godby made five telephone calls to his wife, who then was visiting her family in Morgantown, Indiana. The total cost of the calls was \$18.18, which Mr. Godby states is identical to the costs he would have incurred had his wife been at their home in Harrisburg.

However, the agency refused to reimburse Mr. Godby for the cost of the calls based upon an agency policy limiting traveling employees to one call each day to the employee's "home or other location within the local commuting area to speak to a family member" Memorandum for DOL Employees, June 22, 1988. The agency and the NCFLL agreed that the contents of that memorandum would be incorporated into the agency manual and would be binding on the parties.

No statute or regulation entitles an employee to make personal calls home, or elsewhere, while on temporary duty travel. According to the Federal Information Resources Management Regulations issued by the General Services Administration², all calls made on government telephone systems or charged to the government must be made to conduct

¹This case has been submitted to our Office pursuant to a settlement agreement between the agency and the NCFLL. See 4 C.F.R. Part 22 (1991).

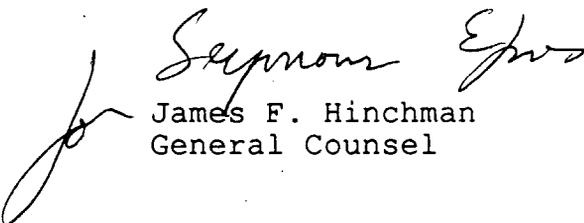
²See 40 U.S.C. §§ 486(c) and 751(f) (1988).

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official business. ✓ 41 C.F.R. § 201-38.007 (1990). However, the regulations provide that agencies may determine that some personal calls are "necessary in the interest of the Government." 41 C.F.R. § 201-38.007-1(a). That section includes a chart of examples of calls that agencies may authorize, including, "(3) An employee traveling for more than one night on Government business in the U.S. makes a brief call to his or her residence (but not more than an average of one call per day)."

We believe the agency's policy is within the scope of discretion contemplated by the regulation and the example in the chart. As we noted above, the chart is intended only to show examples of the types of calls that an agency may determine are in the interest of the government. Thus, it appears that the scope of the agency's discretion is broad enough to authorize calls such as those made by Mr. Godby in lieu of calls to his residence. However, that is discretionary with the agency, and, indeed, agencies are not required to authorize any personal calls.

In this case, Mr. Godby's calls did not meet the agency's criterion that they be placed to a location within his local commuting area. While we would have no objection if the agency chose to exercise its discretion to reimburse Mr. Godby for the calls he made as being in lieu of calls to his wife at their residence, we have no basis on which to set aside the agency's decision to strictly apply the criterion in its regulation.


James F. Hinchman
General Counsel