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COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON 25

and

9-87138-C.L.

JUL 19 1949

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Chief, Claims Division

By memorandum dated June 17, 1949, the Executive Officer forwarded here for consideration your memorandum of June 16, 1949, to him, relative to the claims of [redacted] and [redacted], employees of the Corporation Audits Division, for reimbursement for the cost of driver's licenses obtained by each of them while in travel status in the Virgin Islands. The claim of Mr. [redacted], 2-38560-WOB, was allowed by settlement of April 12, 1949, while that of Mr. [redacted], 2-55710-BLD, was disallowed May 11, 1949, and your memorandum in effect recommends review of the action taken by your Division.

It appears that the two employees concerned were, by proper travel orders, directed to proceed to St. Croix, Virgin Islands, for the purpose of conducting an audit of the Virgin Islands Company. While there they were furnished transportation between their place of lodging and the office of the Virgin Islands Company, on the company's working days, by chauffeur-operated company car used for transporting office employees to and from work. On Saturdays, however, the company's employees, including the chauffeur, did not work, and from the facts stated by the claimants it appears that they were faced with a choice between using taxicabs, at a probable cost of \$2 per day, and driving the company's car, use of which was made available to them but which use necessitated purchase of automobile driver's permits at a cost of \$1.50 each. Details as to the exact distance between the company's office and the employees' lodgings are not stated, but from the fact that the company regularly operates a car for the purpose of transporting its workers to the office it reasonably may be inferred that the journey required "is not such as made by the public generally for that purpose" within the terms of paragraph B(b) of the Standardized Government Travel Regulations, so that taxicab fare for such travel might have been allowable.

The \$1.50 items for driver's permits on the employees' expense vouchers were deducted by the certifying officer, upon the ground that reimbursement cannot be made for a fee paid to a State for a license to operate a government-owned vehicle on official business, and reclaim vouchers therefor were transmitted by the Executive Officer to the Claims Division, in each case "administratively approved for \$1.50, or any lesser amount found due."

In your referred-to memorandum, reference is made to 23 Comp.

Dec. 186, 15 Comp. Gen. 519, and 21 Comp. Gen. 709. Those cases do not appear to be controlling, as the primary official duties of the employees in this case did not involve the operation of motor vehicles and the permit fees paid were not those of a State. As made clear by 15 Comp. Gen. 519, Congress may authorize the requirement of a driver's license for operators of Government vehicles in a Federal political subdivision over which it has jurisdiction. Section 5 of the act of May 26, 1936 (49 Stat. 1372), provides for payment by the Virgin Islands Company to the authorities of that possession of amounts equal to the amount of taxes which would be assessable against a private corporation similarly situated, and for similar payments with respect to any property owned by the United States in the Virgin Islands which is used for ordinary business or commercial purposes. The act of June 22, 1936 (49 Stat. 1807), contains a broad grant of authority to the municipal councils and legislative assembly of the Virgin Islands to exercise legislative authority in all matters of local application including the power to impose and collect license fees, and to enact, without limitation by that act, laws for the protection of life, public health, or public safety. In the face of the congressional intent manifested by those acts it cannot be said that the requirement by the Island authorities of a driver's permit for the operation of vehicles of the Virgin Islands Company is not authorized.

In the light of the foregoing the item in question properly may be regarded as allowable as miscellaneous expenditures under paragraph 79 of the Travel Regulations, the case being one for application of the principle stated in 26 Comp. Gen. 598, 601, that any doubt as to the meaning of particular language in the regulations should be resolved so as to give effect to the overall purpose of relieving officers and employees of the Government of the burden of necessary transportation costs incident to official travel.

The allowances of the [redacted] claim is sustained, and you are directed to issue a supplemental settlement of the [redacted] claim, allowing the item claimed.

The files in both cases are returned herewith.

Acting Comptroller General
of the United States

Enclosures