



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON 25

B-139509

June 16, 1959

Mr. Joseph E. Cadell  
Authorized Certifying Officer  
Maritime Administration  
United States Department of Commerce

Dear Mr. Cadell:

Your letter of April 30, 1959, file 423, requests our decision whether three items on the enclosed voucher in favor of Mr.

, an employee of the Maritime Administration, may be certified for payment. The voucher in the total amount of \$1,441.48 represents his claim for travel expenses incurred for travel performed under Travel Order No. 80-141, dated August 21, 1958, incident to his change of official station from Newport News, Virginia, to San Francisco, California.

The employee was authorized to travel by privately owned automobile at 10 cents per mile it having been determined that such means would be more advantageous to the Government. The three items upon which our decision is requested are as follows:

"(1) Is Mr. \_\_\_\_\_ entitled to per diem for the period of interrupted travel occasioned by the break down and repair of his automobile? (2 days @ \$12.00 per day).

"(2) Is he entitled to taxi fares (\$7.20) from motel to obtain meals and return during period of repairing automobile?

"(3) Mr. \_\_\_\_\_ claims reimbursement for 3200 miles, whereas the Rand McNally Standard Highway Mileage Guide shows 2993 miles from Newport News, Va. to San Francisco, Calif. \* \* \*

\* \* \* \* \*

"Does your office consider the excess of 207 miles a substantial deviation as stated in the travel regulations?"

Section 3 of the Travel Expense Act of 1949, as amended, 5 U.S.C. 836, authorizes payment of a per diem in lieu of subsistence to civilian officers and employees only "while traveling on official business and away from their designated posts of duty." In construing the same words as used in the Subsistence Expense Act of 1926, as amended, we said in our decision 20 Comp. Gen. 120 that the per diem allowance authorized by that act is a commutation payment in lieu of actual expenses for travel for the Government and is limited by the act strictly to periods the officer or employee is engaged on official business as distinguished from periods spent on unofficial or private business or any periods of delayed or interrupted travel not due to causes incident to or inherent in the official duty to be performed. We further said that the break-down or failure in the operation of a privately owned automobile in which an employee is traveling on official business under proper orders clearly must be classed as a matter personal to the employee and not incident to his official duty. Since the words "while traveling on official business and away from their designated posts of duty" as used in section 3 of the Travel Expense Act of 1949 are identical to those used in the Subsistence Expense Act of 1926, our decision 20 Comp. Gen. 120 would apply to the facts in his case. Therefore, the employee is not entitled to per diem for the period his travel was interrupted by the break-down and repair of his automobile.

The second item--taxi fares from motel to obtain meals and return during period automobile was undergoing repairs--must be classed as personal to the employee and not incident to his official duty. For this reason he may not be reimbursed for the cost of this item.

The third item is covered by section 3.5b(1) of the Standardized Government Travel Regulations which provides in pertinent part as follows:

"\* \* \* When transportation is authorized or approved by privately owned motorcycles or automobiles, distances between points traveled shall be as shown in standard highway mileage guides or by speedometer readings. Any substantial deviations from distances shown in the standard highway mileage guides shall be explained. \* \* \*"

The only explanation furnished by Mr. \_\_\_\_\_ concerning the deviation from the distances shown in the standard highway mileage

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guides is that his itinerary as shown on his expense voucher was made by the AAA. This explanation does not appear to show the official necessity or furnish an acceptable reason to justify the longer distance claimed, and, therefore, on the present record this item may not be allowed. If the AAA will submit satisfactory reasons for its routing, the matter may be further considered administratively.

The voucher is returned herewith, however, the three items in question may not be certified for payment upon the basis of the present record.

In reply to your last question, we have no rule fixing any particular distance as an authorized deviation, each case in that regard being for decision upon all of the facts.

Sincerely yours,

JOSEPH CAMPBELL

Comptroller General  
of the United States

Enclosure