



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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B-178510

June 20, 1973

Mr. Ellis W. Edwards
15487 Ohio
Detroit, Michigan 48238

Dear Mr. Edwards:

Your letter of April 9, 1973, requests that we reconsider our Settlement Certificate dated March 29, 1973, by which your claim for travel expenses and per diem incident to temporary duty travel you undertook as an employee of the United States Army Tank-Automotive Command (USATACOM), Warren, Michigan, was disallowed. In accordance with your request we have reviewed the entire file relative to your claim.

The record indicates that you were scheduled to attend the Defense Advanced Inventory Management course at the Army Logistics Management Center (USALMC) in Ft. Lee, Virginia, beginning August 30, 1971. Travel Order No. 4392 to that effect was issued August 10, 1971, authorizing travel by privately owned vehicle from Detroit, Michigan, to Ft. Lee. Prior to your departure, however, your installation was notified by USALMC that your acceptance for attendance at the course had been cancelled and, according to a memorandum included in the file, you were notified of this fact by telephone by Mr. Michael P. Anderson, Acting Unit Chief, on August 24, 1971. It is further shown by two memorandums dated August 26, 1971, one signed by Mr. E. Siegel, Section Chief, and another by Mr. Anderson, that on August 26 you were again notified orally over the telephone that your attendance at the course had been cancelled. According to those memorandums, in response to your assertion that the cancellation action was arbitrary and that you wanted written confirmation of the cancellation, you were informed that a special delivery letter withdrawing your travel orders had been sent you on August 25, 1971, by registered mail. Attempted delivery of that letter on August 28, 1971, was unsuccessful, apparently because you had already departed for Ft. Lee. The record further shows that you were in a leave status and did not report to work between the time that notice of the cancellation was received at USATACOM and the time you departed for Ft. Lee.

Upon arrival at Ft. Lee on August 29, 1971, you were told that your attendance in the course had been cancelled and you were furnished copies

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of the notice of cancellation. You arrived back in Detroit on August 30, 1971. It is your contention that since you did not receive written notice of the cancellation prior to your departure on August 28 you are entitled to per diem and travel expenses for your travel to Ft. Lee and return to Detroit. Included in the file is your signed statement to the effect that you did not "receive a telephone conversation" on August 24, 1971, advising you of the cancellation.

The regulations governing the use of travel orders are contained in chapter 2 of Volume 2 of the Joint Travel Regulations. Paragraph C2054 thereof provides as follows:

An issued travel order under which official travel has been performed cannot be rescinded. However, rescission of an issued travel order is allowed to the extent of all or any part of official travel that has not been performed under a travel order.

There is no requirement in that paragraph or any other in chapter 2 that a rescission be communicated to an employee in writing before it can be effective to rescind a previously issued written travel order. It is recognized under paragraph C2051 that travel may be undertaken in reliance on proper oral authority, and it follows that such authority can also effectively rescind an employee's travel orders upon communication of that fact to the employee prior to commencement of the travel. In this case the record indicates that you were informed by your supervisors at least 2 days before you left Detroit that your attendance in the training course had been cancelled and that your travel orders were being rescinded. Apparently you do not dispute this, even though you may not have received a telephone conversation to that effect on the specific date of August 24, 1971. Accordingly there exists no basis for authorization of payment of travel expenses or per diem for travel undertaken in disregard of the oral notification of rescission of the travel orders.

In view of the above, the previous disallowance of your claim must be sustained.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States

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