

DECISION



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

FILE: B-183004

DATE: MAY 5 1976

MATTER OF: Captain Earle W. Sapp, USN

60847

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DIGEST:

1. Member who is authorized travel by privately owned vehicle (POV) as advantageous to the Government incident to temporary duty at various places in Switzerland and Germany away from his permanent duty station in London, England, is not entitled to reimbursement of full fare including charge for transportation of an automobile by Hovercraft from Dover to Calais and return; however, he may be reimbursed an amount reasonably representing that part of the fare attributable to personal travel. 49 Comp. Gen. 416 (1970) modified.

2. Although there is no authority in current regulations under which full fare (including that part attributable to transportation of the automobile) for Hovercraft crossing of the English Channel may be paid incident to temporary duty travel of military personnel, it does not appear that payment of such full fare would be objectionable under appropriate regulations if travel by automobile, including transoceanic ferry service is specifically authorized as advantageous to the Government since the transportation of the automobile may be considered as incident to authorized travel of the member in appropriate circumstances.

This action is in response to a request for an advance decision from the Disbursing Officer, United States Naval Activities, United Kingdom, Box 96, FPO, New York, concerning the propriety of making payment on a voucher in the amount of \$68.14, representing reimbursement to a member of expenses incurred for transporting his

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privately owned vehicle across the English Channel. This matter was forwarded here by the Per Diem, Travel and Transportation Allowance Committee by endorsement dated January 7, 1975, and has been assigned PDTATAC Control No. 75-1.

The submission states that the member, Captain Earle W. Sapp, USN, was issued temporary additional duty orders, dated March 28, 1974, for the purpose of authorizing his attendance at the International Computing Conference in Zurich, Switzerland, from April 9, 1974, through April 11, 1974. Those orders by reference to item 22 on the reverse thereof authorized "travel via POV with reimbursement seven cents per mile for official distance traveled, such mode of travel considered more advantageous to government." Other items of authorization on the reverse of the travel order as made applicable to this travel included travel by Government and commercial transportation.

Following his return, the member was apparently paid all travel and per diem costs for the ordered travel except for part of the Hovercraft fare which was attributed to ferrying his POV from Dover, England, to Calais, France, and return. Captain Sapp has now requested reimbursement for \$68.14, the amount of Hovercraft fare disallowed as the cost of transportation for his POV across the English Channel.

The submission points out that in our decision B-140560, March 8, 1961 (40 Comp. Gen. 497), we held that ferry travel across the English Channel is to be considered as transoceanic travel for the purpose of reimbursing a member for such travel. However, it was noted that the decision excluded charges for shipment of a POV on foreign vessels across the Channel.

Section 404 of title 37, United States Code (1970), provides in part that under regulations prescribed by the Secretaries concerned, a member of a uniformed service shall be entitled to receive allowances for travel performed under competent orders when away from his designated post of duty. In this connection, paragraph M4251 of the Joint Travel Regulations provides:

"Temporary duty transportation allowances for land travel will be as prescribed in par. M4203. Temporary duty transportation allowances for transoceanic

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travel performed at the member's own expense will be as prescribed in par. M4159-5. * * *

Subparagraph M4203-3b of those regulations in effect at the time travel was performed stated the policy of the uniformed services to authorize members to travel by POV whenever such mode of transportation was acceptable to the member and determined to be more advantageous to the Government and provided for reimbursement for land travel at a rate of 7 cents per mile.

This allowance constitutes a commutation of all expenses incurred for land travel. Under normal circumstances, bridge tolls and ferry fares are included in the monetary allowance and are not a separate reimbursable expense. However, that allowance does not cover transoceanic travel incident to temporary duty or permanent change of station travel.

In our decision 40 Comp. Gen. 497, supra, we were concerned with the nature of the ferry fare incurred incident to personal and dependent travel across the English Channel. In arriving at the conclusion that certain expenses attendant to such travel are separately reimbursable, we stated:

"Generally, our decisions holding that members of the uniformed services traveling on a mileage basis are not entitled to reimbursement of ferry fares have related to the fares ordinarily encountered at a comparatively nominal cost in automobile travel on the public highways for transportation over relatively narrow water obstructions in the normal highway system. However, we consistently have held that, because of the distance involved and the transoceanic nature of the travel, fares for cross channel travel are reimbursable as transoceanic travel under the statutes authorizing travel and transportation allowances for the uniformed services. * * *

In 49 Comp. Gen. 416 (1970), we considered the question as to the propriety of reimbursing a member for certain expenses incurred for the transportation across the English Channel via Hovercraft. We held therein that where the tariff charge is imposed only for transporting a motor vehicle and not imposed on the driver or

passengers, such expenses may not be reimbursed on the basis of applying a percentage of the vehicle fare to the driver and passengers.

The transportation involved is thus considered both transoceanic service and ferry service and the fares charged include the cost of transporting both vehicle and passengers. As transoceanic travel the mileage rate is not applicable and payment by the Government of the fare is subject to various rules based upon actual costs. In that connection we held in 53 Comp. Gen. 131 (1973), that the cost of the transoceanic ferry between Nova Scotia and Newfoundland, Canada, could be divided into the fare applicable to individual travel and the cost of shipment of the vehicle. However, in 49 Comp. Gen. 416, where the applicable tariff provided for transportation of a vehicle with up to six passengers at a flat rate, the total cost was held to be a charge for transportation of the vehicle. Under that decision, unless the Hovercraft fares in this case were assessed on a different basis than they were a few years previously, it would appear that Captain Sapp should not have been reimbursed part of the fare as is indicated by the submission.

However, we have reviewed the conclusion in 49 Comp. Gen. 416 and now feel that, whatever the formula used by the transportation company to assess fares, when ferry service is used it is not unreasonable to attribute a part of that fare to the transportation of the individual traveler. Therefore, if the allocation of the fare to Captain Sapp's travel was reasonable, we will not now question that reimbursement. So far as 49 Comp. Gen. 416, supra, is inconsistent with the above, it will no longer be followed.

Under current law and regulations, therefore, a member of the uniformed services may be entitled to reimbursement of ferry fares for use of so-called transoceanic ferry to the extent that such fares may reasonably be attributed to transportation of the individuals involved. We do not find that current regulations as they have been interpreted in our decisions authorize payment of such fares to the extent that they may be attributable to transportation of POV's.

Accordingly, Captain Sapp's voucher for the balance of the round-trip fare covering the transportation of his POV across the English Channel may not be paid.

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The above decision is not to be interpreted as holding that transoceanic ferry fares in full (such as English Channel ferry fares) might not be considered as incidental to the travel of the member when performing temporary duty travel under specific travel orders issued under appropriate regulations. Thus, if Volume 1 of the Joint Travel Regulations, were amended to provide for the use of transoceanic ferry at Government expense where specifically authorized as more advantageous to the Government in the temporary duty order, payment of the full ferry fare, including any part which might be attributable to automobile transportation, might reasonably be considered as incidental to the member's authorized temporary duty travel.

R. F. KELLER

Deputy Comptroller General
of the United States