



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

DECISION

FILE: B-185195

DATE: MAY 28 1976

MATTER OF: Buker and Sandusky--Claims for per diem allowance

DIGEST: Two employees stationed in San Francisco are ordered to conduct a 1-day training course at National Seashore 39 miles from duty station, Employees departed from residences, performed duties, and returned to residences approximately within normal commuting times and without incurring additional expenses (other than mileage which was reimbursed). Federal Travel Regulations do not require payment of per diem for travel in excess of 10 hours, and agency has discretion to authorize or approve per diem under such circumstances.

This action is in response to the request for a decision by Mr. Roland V. Johnson, an authorized certifying officer of the National Park Service, United States Department of the Interior, regarding payment of per diem allowances to Miss Marion Buker and Miss Linda Sandusky for temporary duty performed away from their official duty station.

The record indicates that the two employees, who were stationed at the Western Regional Office in San Francisco, California, were ordered to travel to the Point Reyes National Seashore (39 miles from San Francisco) to conduct a training course on August 12, 1974. Miss Buker and Miss Sandusky drove to Point Reyes in Miss Buker's automobile, performed their duty, and returned to their residences within the same day. The administrative report states that the employees departed their residences and returned at substantially the same time as they would in a normal day at their regular place of duty, and that they did not incur any additional expense in traveling to Point Reyes that they would not have incurred at their regular place of duty. Miss Buker was reimbursed for her mileage expense. Through an inadvertant error the travel vouchers submitted by the employees, which had not been certified as proper for payment by a certifying officer, were paid and included a per diem of \$6 for each traveler. When this was disallowed, bills for collection were issued to recover the per diem erroneously paid.

The administrative report states further that it is the policy and practice of the Regional Office in San Francisco not to allow per diem for travel to any of the four National Park Service areas

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within the commuting area of the Regional Office unless special conditions require the traveler to incur costs for food and lodging not normally incurred at their regular place of duty. As authority for normally disallowing per diem under these circumstances, the authorized certifying officer cites paragraph 1-7.3 of the Federal Travel Regulations (FPMR 101-7) (May 1973), as well as two decisions of this Office, 24 Comp. Gen. 179 (1944), and B-179584 (53 Comp. Gen. 457 (1974)). The employees requested a decision from this Office and contend that paragraph 1-7.6d of the Federal Travel Regulations authorizes per diem when the period of travel is 10 hours or more.

Paragraph 1-7.6d of the Federal Travel Regulations provides, in pertinent part as follows:

- "(1) Travel of 24 hours or less. For continuous travel of 24 hours or less, the travel period shall be regarded as commencing with the beginning of the travel and ending with its completion, and for each 6-hour portion of the period, or fraction of such portion, one-fourth of the per diem rate for a calendar day will be allowed. However, per diem shall not be allowed when the travel period is 10 hours or less during the same calendar day, except when the travel period is 6 hours or more and begins before 6 a.m. or terminates after 8 p.m. * * *".

Our Office has held that this provision does not require payment of per diem for travel of 24 hours or less but merely precludes payment for travel of 10 hours or less except where the travel period is 6 hours or more and begins before 6 a.m. or ends after 8 p.m. See B-177419, March 8, 1973, and cases cited therein. Furthermore, an agency may refuse to authorize or approve per diem notwithstanding the fact that the travel performed was greater than 10 hours. B-184175, August 5, 1975, and B-182728, February 18, 1975.

As provided under paragraph 1-7.3 of the Federal Travel Regulations, an agency is responsible for authorizing only such per diem allowances as are justified by the circumstances affecting the travel. If an agency determines that no per diem allowance is justified when the travel involves only short distances outside the duty station area, there is no requirement that the agency authorize per diem. 24 Comp. Gen. 179 (1944); B-177419, supra. Per diem is intended to reimburse the traveler only where additional expense is incurred. Bornhoft v. United States, 137 Ct. Cl. 134 (1956). Finally, it is within the discretion of the administrative agency to authorize or approve per diem, and it is not within the jurisdiction of this

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Office to question the propriety of an agency's decision to deny per diem regardless of the reason therefor. B-171969, November 14, 1973; B-168637, July 15, 1970; and B-156699, May 24, 1965.

Accordingly, since it is the policy and practice of the Regional Office in San Francisco not to allow per diem for travel to any of the four National Park Service areas within the commuting area of the Regional Office except under certain conditions, not present here, the bills for collection should not be cancelled.

[R.F. KELLER

(Deputy

Comptroller General
of the United States

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Administrative discretion
to provide

Temporary duty
At or near home