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DECISION



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

FILE: B-186129

DATE: NOV 17 1976

**MATTER OF: F. A. Calabrese - Travel Expenses While
on Leave**

DIGEST: Agency believes that it would be unreasonable for employee to assume expenses of returning to his permanent duty station via a temporary duty station after his annual leave was interrupted by directions that he testify before a Federal district court. Such expenses may not be allowed since purpose of employee's vacation was in large part accomplished and vacation was interrupted only a day before it would have otherwise ended.

This action is in response to a request from Fred L. Hayes, a certifying officer of the National Park Service, Department of the Interior, received in our Office on March 15, 1976, concerning the propriety of certifying for payment a travel voucher submitted by Dr. F. A. Calabrese. The travel voucher covers expenses Dr. Calabrese incurred while traveling from Waterbury, Connecticut, where he was on annual leave, to Billings, Montana, and then to Lincoln, Nebraska, his permanent duty station.

The circumstances surrounding Dr. Calabrese's travel as reported in the National Park Service submission letter are as follows. Dr. Calabrese departed Lincoln, Nebraska, for Waterbury, Connecticut, on December 24, 1975, on annual leave and had arranged to be on annual leave through December 29, 1975. While en route to Waterbury he received notification at St. Louis, Missouri, that he was to testify before a Federal district court in Billings, Montana, on December 29, 1975. Dr. Calabrese left Waterbury on December 28, arrived in Billings on December 29, and returned to Lincoln on December 30. The trip to Waterbury was in large part planned so that Dr. Calabrese could attend the wedding and reception of a member of his immediate family, but it was necessary for him to leave for Billings before the reception had ended. Upon his return to Lincoln Dr. Calabrese submitted a voucher in the amount of \$92.50 for certain travel expenses, which had not been covered by Government transportation requests, and for applicable per diem.

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In the present case, the most significant purpose of Dr. Calabrese's trip was to attend a wedding and reception. The record shows that Dr. Calabrese was able to attend the wedding ceremony and part of the reception. In addition, his total vacation time was shortened by only a day.

Another factor which militates against a finding for Dr. Calabrese is that, although the circumstances requiring him to travel to Billings were urgent, they were not entirely unforeseen. He received notification that he would be required to testify before he reached his leave point and could have made the decision at that time not to travel to Connecticut.

In the circumstances, we hold that the general rule is for application. Thus, Dr. Calabrese is entitled only to the extra costs attributable to the temporary duty at Billings.

We suggest that the agency consider promulgating an appropriate regulation applicable to its employees to ensure uniformity of application.

The voucher, which is returned, may not be certified for payment. Because part of Dr. Calabrese's travel was by Government transportation requests, collection should be made of that portion attributable to the expense Dr. Calabrese would have otherwise incurred in returning from Waterbury to Lincoln.

R.F.KELLER

Deputy Comptroller General
of the United States