

DOCUMENT RESUME

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[Travel Expenses of Attendant for Handicapped Employee].
B-186598. May 26, 1977. 3 pp.

Decision re: John F. Collins;

Issue Area: Personnel Management and Compensation: Compensation
(305).

Contact: Office of the General Counsel: Civilian Personnel.

Budget Function: General Government: Central Personnel
Management (805).

Organization Concerned: Department of Commerce.

Authority: P.L. 94-22. 5 U.S.C. 7153. 5 U.S.C. 5703, 5703 (c)
(Supp. V). 29 U.S.C. 791. B-187492 (1977).

Uriel Gottesman, Authorized Certifying Officer,
Department of Commerce, requested a decision on handicapped
employee's claim for travel costs of wife who accompanied him as
an attendant on official travel. Based on Government policy of
nondiscrimination of handicapped persons, travel expenses of
escort for person unable to travel alone are necessary expenses
and allowable. (Author/DJM)

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Agency
ALC/P

DECISION



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

FILE: B-186598

DATE: May 26, 1977

MATTER OF: John F. Collins - Travel Expenses of
Attendant for Handicapped Employee

DIGEST: Physically handicapped individual, confined to wheelchair, serving without compensation on Commerce Technical Advisory Board may be reimbursed for travel expenses of wife who accompanied him as attendant on official travel. Based on Federal Government's policy of nondiscrimination because of physical handicap set forth in 5 U.S.C. § 7153 (1970) and 29 U.S.C. § 791 (1975), where agency determines that handicapped employee, who is incapable of traveling alone, should perform official travel, travel expenses of escort are necessary expenses of travel.

This case involves a request for an advance decision dated May 12, 1976, submitted by Mr. Uriel Gottesman, a certifying officer of the Department of Commerce, as to whether Dr. John F. Collins, a handicapped employee, may be reimbursed for the travel expenses of his wife who escorted him while he was performing official travel.

Dr. Collins is serving without compensation on the Commerce Technical Advisory Board, and he is disabled and confined to a wheelchair as the result of polio. On the two occasions involved in this case, Dr. Collins was requested by the Department of Commerce to perform travel incident to his duties with the Board. Dr. Collins was accompanied by his wife as it is impossible for him to travel alone, especially if an overnight stay is required.

The certifying officer disallowed Dr. Collins' claim for his wife's expenses. Dr. Collins has submitted a reclaim voucher in the total amount of \$705.46, representing transportation costs of \$565.46 and per diem in the amount of \$140 incident to Mrs. Collins' accompaniment of him on trips between Fort Lauderdale, Florida, and Washington, D.C., and between Cambridge, Massachusetts, and Boulder, Colorado. The travel expenses claimed were incurred in February and June 1975.

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The authority to reimburse employees serving without compensation for travel expenses is currently set forth in 5 U.S.C. § 5703 (Supp. V, 1975) which provides that such an employee " * * * may be allowed travel or transportation expenses, under this subchapter, while away from his home or regular place of business * * *." Prior to the enactment of Pub. L. 94-22, May 19, 1975, similar authority to reimburse such employees for travel and transportation expenses was provided in 5 U.S.C. § 5703(c) (1970).

In this instance the Department of Commerce, fully cognizant of the nature and extent of Dr. Collins' handicap, determined that he should perform travel in furtherance of the official business of the Advisory Board. Due to the severity of Dr. Collins' handicap it was impossible for him to travel without an escort.

The appointment of Dr. Collins to the Board was consistent with and in furtherance of the Federal Government policies of nondiscrimination and affirmative action in employment of the physically handicapped, as set forth in 5 U.S.C. § 7153 (1970) and 29 U.S.C. § 791 (Supp. III, 1973), respectively.

The nondiscrimination policy is set forth in 5 U.S.C. § 7153 (1970) as follows:

"The President may prescribe rules which shall prohibit, as nearly as conditions of good administration warrant, discrimination because of physical handicap in an Executive agency or in the competitive service with respect to a position the duties of which, in the opinion of the Civil Service Commission, can be performed efficiently by an individual with a physical handicap * * *."

The affirmative action program, set forth in 29 U.S.C. § 791 (Supp. III, 1973), provides that:

"Each department, agency, and instrumentality * * * in the executive branch shall, within one hundred and eighty days after September 26, 1973, submit to the Civil Service Commission and to the

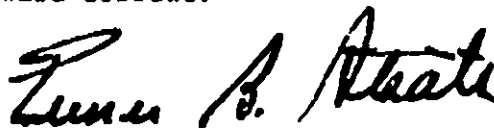
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[Interagency] Committee [on Handicapped Employees] an affirmative action program plan for the hiring, placement, and advancement of handicapped individuals in such department, agency, or instrumentality. Such plan shall include a description of the extent to which and methods whereby the special needs of handicapped employees are being met. Such plan shall be updated annually * * *."

Requiring Dr. Collins to bear the additional expenses of an escort would cause him to suffer a financial loss as the result of traveling on official business and, in the future, might prevent him from conducting official business. In the latter event, the Advisory Board would not be able to make use of Dr. Collins' technical expertise. Thus, denying the attendant's travel expenses could frustrate the above-cited Government policies with regard to employment of the physically handicapped.

In a similar case involving a blind consultant, we have by decision of today in B-187492 allowed the round-trip airfare of an attendant as a "necessary travel expense" incident to the employee's travel. In that case, there was no claim for per diem for the attendant, while here Dr. Collins is claiming per diem of \$140 for his wife, as well as her transportation expenses. We see no reason to distinguish between transportation expenses and per diem expenses incurred by an attendant for a handicapped employee. Both are "necessary travel expenses" incident to the official travel of the employee and may be allowed. 5 U.S.C. § 5703.

In view of the above and since the reclaim vouchers of Dr. Collins have been administratively approved, they may be certified for payment, if otherwise correct.



Comptroller General
of the United States