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DECISION



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

FILE: B-188862

DATE: November 23, 1977

MATTER OF: William A. Gates - Mileage Allowance

DIGEST: Employee who ordinarily traveled to headquarters in carpool was assigned to temporary duty near headquarters. Employee claimed mileage for total distance driven on temporary duty, less mileage he would have driven as carpool member. Agency regulation permits full mileage allowance generally, but where employee reports to headquarters, requires deduction for round-trip distance between residence and headquarters. Since regulation makes no provision for carpools, employee is entitled only to reimbursement permitted by regulation.

By a letter dated April 15, 1977, Mr. William S. Westerfield, an authorized certifying officer of the Department of Transportation, Federal Highway Administration (FHA), requested our decision regarding a voucher submitted by Mr. William A. Gates for reimbursement of mileage for the use of his privately owned vehicle while on a temporary duty assignment.

At all times relevant to this action, Mr. Gates, an FHA employee, was headquartered at Albany, New York, and maintained his residence at Clifton Park, New York. From December 6, 1976, through December 30, 1976, Mr. Gates was assigned to temporary duty at the New York State Department of Transportation headquarters on the State Campus in Albany, New York. While on that assignment, he was authorized to drive his privately owned vehicle (POV) to the temporary duty station as advantageous to the Government. On the first day of the assignment, December 6, 1976, Mr. Gates traveled by POV from his headquarters to the temporary station, and subsequently to his residence for a total of 22 miles. On 8 other days during the assignment, he commuted by POV from his residence to both his headquarters and the temporary duty station, returning to his residence at night, a distance of 37 miles. On 6 days, Mr. Gates commuted a total of 32 miles from his residence to the temporary station only, and returned to the residence in the evening. Finally, on 1 day, December 15, 1976, he drove 42 miles from his residence to the headquarters and the temporary station, returning to the headquarters before commuting to his residence. The total distance driven by Mr. Gates during this period was 552 miles.

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Mr. Gates has submitted a voucher claiming \$63.86 for mileage driven while on temporary duty. He arrived at that amount by subtracting 140 miles, representing the mileage which he ordinarily would have driven as a member of a carpool, from the 552 miles traveled on temporary duty, claiming reimbursement for the 412 excess miles. In explanation, Mr. Gates states that he participates in a 5-member carpool in which each person customarily drives to work 1 day per week. The carpool route is 17.5 miles in one direction, or 35 miles round trip. Since the temporary duty assignment covered 4 weeks, Mr. Gates subtracted from his mileage on that assignment the distance he otherwise would have driven in 4 weeks while participating in the carpool.

The certifying officer states that, regarding claims arising from assignments within the headquarters area, it is the practice of his office to permit claims for mileage in excess of that required for travel between the employee's residence and his headquarters. In that regard, he noted that Department of Transportation Travel Manual 1500.6, chapter 8, section 1, paragraph 814c provides as follows:

"c. Beginning and Ending Points. When a vehicle is used for TDY or PCS travel, mileage begins from whatever point the traveler begins his journey (such as abode, place of business or other points of departure) and ends at the hotel, residence or place of duty at the destination. No deduction of the distance from home to headquarters is required. An exception to this rule is for application, when a POV is used for TDY (not including an overnight stay) and the employee uses his POV to travel from his residence to TDY point(s) but reports first to his headquarters office. Similar situations exist when the employee has to perform official assignments en route from his residence to permanent headquarters office or en route from his office to his residence. In these situations where part of the travel is between residence and permanent duty station, the employee is entitled only to mileage in excess of that normally traveled between his residence and headquarters."

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In view thereof, the certifying officer asks whether Mr. Gates' voucher may be certified to provide for:

- "(1) Reimbursement as submitted;
- "(2) Reimbursement with deduction for round trip mileage (residence to headquarters office) each day that the employee reported to his office except for December 6 (one way only);
- "(3) Reimbursement with appropriate deduction for mileage each day regardless of whether or not the employee reported to his headquarters office, since mileage to the temporary duty assignment was less than that required for travel to his headquarters office."

We have long held that as a general rule, an employee must bear the cost of transportation between his residence and his place of duty at his official station. 46 Comp. Gen. 718 (1967). However, without abrogating that rule, we held in 36 Comp. Gen. 795 (1957) that it is within administrative discretion to permit an employee, authorized to use a privately owned vehicle on official business, an allowance for mileage from whatever point he begins his journey without a deduction for the distance he would normally travel between his home and headquarters, and irrespective of whether he performs duty at his headquarters on that day. We cautioned, however, that administrative officials may and should exercise their discretion where appropriate to restrict the amount of reimbursement by way of a reduced rate or distance. Under these decisions, therefore, we have held that it is a proper exercise of administrative discretion for an agency to issue regulations which impose restrictions on the mileage allowance which may be paid to its employees. B-175608, December 28, 1973.

In the present case, the Department of Transportation has validly regulated the extent to which its employees may be reimbursed for mileage driven on official duty. The above-quoted paragraph of the Department of Transportation Travel Manual does not contain a specific provision governing reimbursement when the employee ordinarily commutes to work in a carpool. Thus, the voucher may not be certified as submitted by Mr. Gates. However, the regulation provides generally that no deduction of the distance from home to headquarters is required. The exception to this rule is

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when the employee reports to his headquarters while performing official duty not including an overnight stay. Thus, under the Department of Transportation regulation, no deduction of the distance between Mr. Gates' home and headquarters is required on those days when he traveled from his home to the temporary station only, returning to his residence in the evening. The regulation does, however, provide that the employee "is entitled only to mileage in excess of that normally traveled between his residence and headquarters" on days when he reports to his headquarters office at some time during the day. It is our view that the language "between his residence and headquarters" contemplates the employee's normal round-trip commuting distance. See B-164189, June 25, 1968. In view of the above, the appropriate round-trip deduction may be made only for those days on which Mr. Gates reported to his headquarters office at some time during the day, and not for the days on which he reported to the temporary station only. Accordingly, reimbursement should be made in accordance with the second alternative proposed by the certifying officer.

Action on the voucher should be taken in accordance with the foregoing.


Deputy Comptroller General
of the United States