

DECISION



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

*D. Kloss
P. L. I*

7990

FILE: B-192112

DATE: October 11, 1978

**MATTER OF: James Wasserman - Claim for commercial
car rental**

- DIGEST:**
- 1. Employee on temporary duty claimed expenses of car rental. He states that there was no public transportation between apartment he chose and the temporary duty office. Where there is no showing that adequate lodging was unavailable within the immediate vicinity of a temporary duty station or at least within an area where public transportation was available employee may not be reimbursed cost of car rental for commuting from lodging to temporary duty office.**
 - 2. In the absence of a showing that an area of temporary duty is a high cost area and that lodging in the area the employee chose would provide an overall savings in travel expenses by obtaining lower cost lodging in a suburban area, the employee may not be reimbursed for cost of a rental automobile used for commuting.**

This action is at the request of Octavia B. White, Authorized Certifying Officer, National Labor Relations Board, for an advance decision on the reclaim of Mr. James Wasserman in the amount of \$413.50 relative to a commercial car rental.

Mr. Wasserman, an attorney with the National Labor Relations Board stationed in Washington, D. C., was detailed to the San Antonio, Texas Resident Office for a period of 60 days. Upon completion of the detail Mr. Wasserman submitted his travel voucher for reimbursement. Included in the voucher was a request for reimbursement of \$522.03 for car rental. Car rental was not authorized on the travel order for the temporary duty in San Antonio. Mr. Wasserman stated that there was no public transportation between the apartment he chose and the office, a distance of 25 miles round trip, as his reason for renting the car.

The provisions of 5 U. S. C. 5733 (1976) require that travel of an employee shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the duties of the employee requiring such travel.

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The Federal Travel Regulation, FPMR 101-7, in Chapter 1, Part 2, para. 1-2.2.c(1) and (4) provide:

"c. Presumptions as to most advantageous method of transportation.

"(1) Common carrier. Since travel by common carrier will generally result in the least costly and most expeditious performance of travel, this method shall be used unless the circumstances involved make travel by Government, privately owned, or special conveyance preferred for reasons of cost, efficiency, or work requirements. The advantages which may result from common carrier transportation must be fully considered by the agency before it is determined that some other method of transportation should be used.

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"(4) Special Conveyances. Commercially rented vehicles and other special conveyances shall be used only when it is determined that use of the other methods of transportation discussed in 1-2.2c will not be more advantageous to the Government. * * *

In B-189650, January 26, 1978, we sustained the Agency denial on a claim for reimbursement of mileage and tolls between lodging and temporary duty where the employee was assigned to temporary duty in New Jersey and New York but lodged with his parents in Philadelphia, Pennsylvania. Since the employee lodged outside of the immediate vicinity of the temporary duty stations, and there is no separate authority authorizing mileage for travel outside the immediate vicinity of the temporary duty station, reimbursement was not authorized.

Federal Travel Regulations (FTR) paragraph 1-2.3 contemplates that a traveler will ordinarily lodge in close proximity to the temporary station. We have held, however, that when an employee, assigned to temporary duty at a high cost area, effects an overall savings in travel expenses by obtaining lower cost lodgings and subsistence in a suburban location, the additional transportation costs incurred by commuting from the suburb may be reimbursed in an amount not to exceed the expenses to which he would have been

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entitled had he obtained lodgings in the high cost area. B-178558, June 20, 1973. Compare B-187344, February 23, 1973.

In the present case there is no showing that adequate lodging was unavailable within the immediate vicinity of the temporary duty station or at least within an area where public transportation was available. There is no showing that the San Antonio area was a high cost area and that lodging in the area the employee chose would provide an overall savings in travel expense by obtaining lower cost lodgings in a suburban area. The choice of an area 23 miles round trip from the place of duty where public transportation was unavailable appears to have been for the employee's personal convenience. The record does not indicate that there has been a determination made that the use of the rented vehicle would be advantageous to the Government.

Accordingly, based upon the record before us the amount claimed for commercial car rental may not be paid. The voucher submitted is returned together with a copy of this decision.


Deputy Comptroller General
of the United States