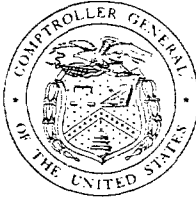


PLM-11

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

10,802

FILE: B-193137

DATE: July 23, 1979

MATTER OF: Rodney B. Sorkin - [Claim for per diem, mileage and room rental at TDY near permanent duty station]

DIGEST: Employees are entitled to per diem at a temporary duty station a short distance beyond the boundaries of a military base which is their permanent duty station where the agency determined that employees should remain at that place overnight to provide an improved work environment to complete a special task. In the circumstances mileage and the cost of a room in which official business was transacted are also reimbursable as travel expenses.

The issues presented in this case are whether per diem, mileage and rental of conference rooms may be authorized for civilian employees of the National Security Agency who attended a retreat type conference located 5 miles from their duty station. The answer on all three matters is in the affirmative. The request for an advance decision from the National Security Agency was forwarded here by the Department of Defense Per Diem, Travel and Transportation Allowance Committee (PDTATAC Control No. 78-38).

Mr. Rodney B. Sorkin, an employee of the National Security Agency, Department of Defense, located at Fort George G. Meade, Maryland, was (authorized to attend a conference at a motel in Dorsey, Maryland, located 5 miles from the site of his official duty station. Per diem, mileage and rental of conference room were authorized in the travel orders) issued on April 24, 1978. AGC 00192

(The conference at Dorsey occurred on April 26, and 27, 1978. The purpose of the conference was to discuss an ongoing project, the current and projected problems in completing the project and becoming operational by the target date. The conferees initially met in conference rooms available to them at their normal place of duty to discuss classified topics; after which, the participants relocated the conference to the Holiday Inn Motel 5 miles away to discuss nonclassified topics. (It was apparently determined by someone with authority to authorize travel that the participants should get away from their normal work environment, telephones, interruptions, etc., to make the meetings meaningful and productive. The participants were performing essentially the same type duties that they were responsible for on a day-to-day

needed an improved work environment

005012

basis. Although the motel at which the conference was held was outside the employee's duty station, the distance traveled to and from the conference site by Mr. Sorkin and other participants-- 6 to 17 miles--~~were~~^{were} no greater than the distances the participants normally travel from their residence to their work site.) In several instances, the distance traveled was less than their normal daily travel.

When an employee is assigned to a nearby temporary duty post it is within administrative discretion to permit such employee an allowance for mileage 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. Officials are to give due consideration to the interests of both the Government and the employee. B-189061, March 15, 1978, and cases cited; and B-184175, June 8, 1979. Since the mileage was authorized on the temporary duty travel orders by the National Security Agency, the claim for mileage may be paid if otherwise correct.

The Federal Travel Regulations (FPMR 101-7) (May 1973) specifically authorize reimbursement for the rental of rooms for official business (FTR para. 1-9.1b) and where the rooms have been obtained by an employee, upon presentation of receipts or explanation on a voucher (FTR para. 1-11.3c(8)) the employee may be reimbursed for the expenditure. A meeting room for the transaction of official business was rented by Mr. Sorkin while in a travel status (as determined below). Therefore, he may be reimbursed for such rental in the amount shown on the voucher and accompanying receipts if otherwise correct.

The authority for the payment of a per diem allowance to employees traveling on official business away from their designated post of duty is contained in 5 U.S.C. § 5702 (1976) and the implementing regulations contained in Part 7, chapter 1 of the FTR. Under the provisions of FTR para. 1-7.6a, an employee may not be paid per diem at his permanent duty station nor at his place of abode from which he commutes daily to his official duty station.

In 24 Comp. Gen. 179 (1944) a claim for per diem was allowed where the employee's duty station was Washington, D.C., and the temporary duty was just across the District of Columbia border at

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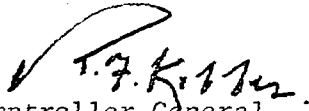
College Park, Maryland. In that decision we stated that the question of whether the performance of duty within a few miles of the headquarters office constitutes a travel status depends upon the facts in the case, such as the time necessarily absent from headquarters on official business and the availability of transportation between headquarters and the temporary duty station. In 24 Comp. Gen. 179, the syllabus reads:

"Where an employee's duty at a temporary station a distance beyond the corporate limits of his official station required his presence there during such hours as to render daily travel between the temporary station and his home or official station impracticable, thus putting him to greater subsistence expense than ordinarily incurred at headquarters, the employee may be considered as having been in a travel status during the period of temporary duty, entitling him to per diem * * * at the rate stipulated in his travel orders, which is commensurate with the additional expense incurred. * * *"

Also, in Matter of Jon C. Geist, B-189731, January 3, 1978, it was held that per diem could be paid to an employee who stayed at a motel within commuting distance of his duty station since it had been determined that work requirements at the temporary duty location did not permit the employee to return home.

(Authorizing temporary duty travel expenses in cases where the temporary duty location is near but not at the headquarters of the traveler is primarily for administrative determination. Since per diem was authorized by an appropriate official in this case, payment of travel costs as authorized in law and regulation is appropriate.)

Accordingly Mr. Sorkin's claim for mileage, reimbursement for meeting room rental, and per diem may be paid, if otherwise correct.


Deputy Comptroller General
of the United States