

12454 PLM-1



DECISION

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

FILE: B-194108

DATE: January 8, 1979

MATTER OF: Thijs de Haas - [Subsistence on Day of Travel
From Foreign Country to United States]

DIGEST: Employee of National Bureau of Standards (NBS) traveled from Boulder, Colorado, November 17, 1977, to Washington, D.C. Following day he traveled to London, United Kingdom, and on November 26, 1977, he returned to Boulder from London. His travel situation falls under FTR para. 1-8.2c(2) and he must be reimbursed under actual expenses rather than per diem method for November 26 since first day of trip was under actual expense method. Fact that NBS' regulations may have misled employee into believing rule in para. 1-8.2c(2) did not apply when foreign travel is involved is not controlling since NBS' regulations must conform to FTR.

Ms. Jeannette C. Todd, Chief, Travel Office, National Bureau of Standards (NBS), Department of Commerce, has requested an advance decision concerning the appropriate method of computing the subsistence expenses of Mr. Thijs de Haas, Office of Telecommunications, Department of Commerce, on the day of his return home from overseas incident to a temporary duty assignment.

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Mr. de Haas left his residence in Boulder, Colorado, on November 17, 1977, and traveled to Denver, Colorado, where he caught a plane to Washington, D.C., on the same day. He left Washington, D.C., the following day, November 18, and arrived in London, United Kingdom, on November 19. After completing his official business Mr. de Haas returned to Boulder on November 26, 1977. His schedule that day was as follows:

Depart London	12:30 p.m.
Arrive Chicago	3:00 p.m.
Depart Chicago	3:50 p.m.
Arrive Denver	5:20 p.m.
Arrive Boulder Residence	7:00 p.m.

Mr. de Haas claimed per diem for November 26 as follows:
3/4 day at the London per diem rate of \$60 = \$45 plus 1/4 day

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at the maximum United States rate of \$35 = \$8.75, for a total of \$53.75. Of the above-claimed amount, NBS has reimbursed Mr. de Haas \$4, apparently for breakfast in London. Mr. de Haas has submitted a reclaim voucher for the difference, \$49.75.

It appears that NBS reimbursed Mr. de Haas under the actual expense mode by virtue of subparagraph 1-8.2c(2) of the Federal Travel Regulations (FTR) (FPMR Temporary Regulations A-11, Supp. 4, April 29, 1977). Paragraph 1-8.2c states:

"c. Special rules for mixed travel (per diem and actual subsistence expense). Travel may be authorized or approved on both a per diem basis and an actual subsistence expense basis during a single trip when travel is performed in several locations including high rate geographical areas; however, only one method of reimbursement (per diem or actual subsistence expense) shall be authorized within the same day.

"(1) Rate and method of reimbursement determined by location of temporary duty assignment. In instances of mixed travel involving both per diem and actual subsistence expense, or several high rate geographical areas, the method of reimbursement and authorized maximum rate for a calendar day (beginning at 12:01 a.m.) shall be the method and rate applicable for the temporary duty point where the traveler is located at the end of the day. The location of lodgings does not affect this determination. For example, when a traveler performs travel in a per diem area for part of a day and completes that day's travel in a high rate geographical area where he performs official duty (either that day or the following workday) and obtains lodging, the traveler shall be reimbursed under the actual subsistence expense method for the entire day not to exceed the maximum rate prescribed for the high rate geographical area.

"(2) Reimbursement for day of return. The method of reimbursement for the day of return to home or official station (where lodgings are not

involved) shall be the same method of reimbursement authorized for the first day of travel. For example, if a traveler is authorized actual subsistence expense reimbursement for the first day of travel, reimbursement for the day of return to home or official station shall also be on an actual subsistence expense basis; if per diem is authorized for the first day of travel, per diem shall also be authorized for the day of return to home or official station.

"(3) Reimbursement computation. A traveler's claim for reimbursement may include several different rates depending upon the location(s) in which travel is performed."

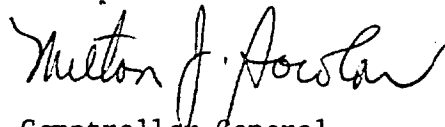
Mr. de Haas argues that subparagraph 1-8.2c(1) of the above regulations has no application to foreign travel but only applies to purely domestic travel. He cites as evidence of this the absence of discussion of mixed travel in NBS' regulations on travel in foreign areas while mixed travel is discussed in NBS' regulations concerning domestic travel.

Subparagraph 1-8.2c(2), not subparagraph 1-8.2c(1), applies to Mr. de Haas' return travel on November 26, 1977. In any event paragraph 1-8.2c and its subparagraphs do not except foreign travel from their scope either explicitly or implicitly. The fact that NBS' regulations only discuss mixed travel in its regulations on domestic travel and may have led Mr. de Haas to assume mixed travel regulations do not apply to his return travel from a foreign area, does not change the fact that the Federal Travel Regulations on mixed travel have application to foreign area travel. Any inconsistency between the FTR and the NBS' administrative regulations must be resolved in favor of the FTR. B-181431, February 27, 1975.

Accordingly, since the record shows that reimbursement of the first day of Mr. de Haas' travel was under the actual expense method, his return travel on November 26, 1977, is

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properly subject to actual expense reimbursement. FTR para. 1-8.2c(2). In view of this the reclaim voucher for the difference of \$49.75 may not be certified for payment.

A handwritten signature in cursive script, reading "Milton J. Fowler".

For the Comptroller General
of the United States