

Faulkner
PLM II

14363

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

[Consideration of Privately Owned Vehicle Use as Advantageous to Government]

FILE: B-195331

DATE: July 22, 1980

MATTER OF: David W. Haggard - Use of POV

DIGEST: An employee traveling under a General Travel Authorization, drove his POV to a 6-week training course. Because of weather conditions he missed the first 23 hours of the course. Upon his return he was told that use of his POV was not advantageous to Government, even though situation met conditions of regulation permitting finding of advantage to Government. Agency action in using constructive travel by common carrier as basis for reimbursement and charging 15 hours of annual leave for travel-time is sustained, since there was no specific finding of use of POV as advantageous to Government.

Two issues are presented here. The first is whether an employee traveling on temporary duty may have his use of his privately owned vehicle (POV) considered to be advantageous to the Government under the term of the general travel order and applicable regulations where that mode of travel was not specifically authorized or approved. The second issue is whether that employee should be charged annual leave when, because of weather conditions, his use of his POV instead of commercial transportation caused him to miss approximately 2 days of his temporary duty assignment. For the reasons set forth below, we hold that the employee's use of his POV was not advantageous to the Government, and the constructive computation of his travel was proper. Additionally, since we hold that the employee should have traveled by commercial carrier, we do not question the agency's charging him annual leave.

The above questions were submitted for an advance decision by an authorized certifying officer of the National Finance Center of the United States Department of Agriculture (USDA). Mr. David W. Haggard is an employee of the Soil Conservation Service, stationed in

011392

112840

B-195331

Marlow, Oklahoma. He was to attend a 6-week training course at Logan, Utah, which was to begin at 8:30 a.m. on January 3, 1979. No specific travel authorization was issued for this trip; instead Mr. Haggard traveled under the USDA General Travel Authorization.

Because of the length of the training course and the inconvenience that would result from not having his own car at the training course, Mr. Haggard elected to drive his POV. According to the facts provided Mr. Haggard's departure was delayed until the morning of January 3 because of snow and consequently he missed the first 23 hours of the training course. Notwithstanding the snow conditions, airline service was available that would have enabled Mr. Haggard to begin the training course on time.

When he returned to his permanent duty station Mr. Haggard asked that the use of his POV be considered advantageous to the Government based upon a provision of the administrative regulation governing travel under the General Travel Authorization. That regulation provides, in discussing the criteria to be applied when determining whether or not the use of a POV is advantageous to the Government, that:

"* * * The Department considers it appropriate to authorize use of privately owned conveyance as advantageous to the government under any of the following circumstances (7 AR 553b):

* * * * *

"(b) A traveler is required to be away from home for 15 or more consecutive days."

Mr. Haggard's request was denied by the State Administrative Officer who advised Mr. Haggard that his POV had been used as a matter of personal preference. Based on his finding that common carrier transportation was available and less costly, the State Administrative Officer determined that Mr. Haggard's travel by POV was not advantageous to the Government. Thus, his reimbursement for travel expenses was limited to the constructive costs

B-195331

of travel by common carrier. Additionally, he was charged 15 hours of annual leave for his late reporting to the training course. Mr. Haggard now reclaims the difference between full mileage for travel by POV and the constructive costs allowed, and seeks restoration of the 15 hours of annual leave charged.

Under para. 1-4.1 of the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973) use of a POV for official travel may be authorized or approved as advantageous to the Government. Consistent with that authority, the following provision of the General Travel Authorization contemplates a determination by the appropriate official, preferably in advance, as to the mode of travel:

"2. PROCEDURES. Agencies should control travel on the basis of proper direction given to the traveler by his supervisor prior to the beginning of the temporary duty travel. The official delegated authority to approve travel will approve the traveler's * * * mode of travel * * *."

In Mr. Haggard's case there has been no determination that his use of POV was advantageous to the Government and his travel by POV was neither authorized in advance nor subsequently approved by an authorized official. While the portion of Soil Conservation Service regulation quoted above states that it is appropriate to find that the use of a POV is advantageous to the Government if an employee is to be away from home for more than 15 consecutive days, that regulatory language does not itself constitute the necessary determination of advantage to the Government, nor does it mandate such a determination. Rather, the language relied upon by Mr. Haggard is part of a paragraph which includes the following introductory language:

"Except as provided in 2.2d, the use of a privately owned conveyance is to be authorized only if such use is advantageous to the government. A determination that the use of a privately owned conveyance would be advantageous to the government must be

B-195331

preceded by a determination that common carrier transportation or government-furnished vehicle transportation is not available or would not be advantageous to the government. To the maximum extent possible, these determinations and the authorizations to use a privately owned conveyance are to be made before the performance of travel. * * *

In this context, the regulation merely indicates that an assignment for more than 15 consecutive days is one instance in which a determination of advantage to the Government would be considered appropriate in most instances.

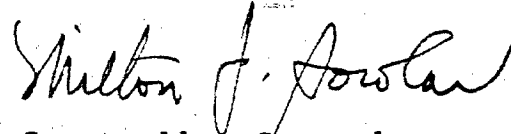
Consistent with FTR para. 1-2.2c, the regulation creates a presumption that the use of a commercial carrier is advantageous to the Government. Unless there is a specific finding that the use of a POV is advantageous to the Government, then the use of commercial carrier is required. Since no such finding was made here, Mr. Haggard was properly reimbursed for his expenses of travel limited to the constructive cost of travel by air. Since his travel by POV was a matter of personal preference we also find that the charge to his leave account for excess traveltime was appropriate. See 56 Comp. Gen. 867 (1977) and cases cited therein.

Accordingly, Mr. Haggard's claim for additional travel expenses, as well as for restoration of leave, is denied.

We have, in the past, approved the use of general travel orders for routine and repetitive travel. In fact, paragraph one of USDA regulation 7 AR 549 states that the purpose of the USDA General Travel Authorization is to "provide general travel authority to all employees of the Department whose work requires them to perform routine temporary duty travel within the conterminous United States." While we will not question the use of the General Travel Authorization, the instant case illustrates the difficulties which may result from the use of less formal and specific travel authorizations. Here although no travel order was required a prior determination regarding use of POV was recommended in the regulations. This was not

B-195331

done even though Mr. Haggard was to travel to a 6-week training course over 1,000 miles from his duty station. This does not necessarily seem to be an instance of routine travel. We suggest that USDA reexamine its use of the General Travel Authorization to insure that necessary determinations are made before travel is performed so that employees will be aware of the travel benefits and limitations in each particular situation.



For the Comptroller General
of the United States