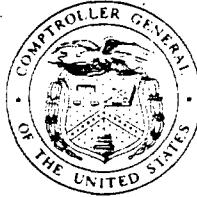


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DECISION



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

FILE: B-198237

DATE: May 15, 1980

MATTER OF: Alex Zazow ^{for} Attendant for Handicapped Employee -
Travel Expenses on Permanent Change of Station

DIGEST: Employee who is handicapped by blindness and cannot travel alone claims travel expenses and per diem entitlement for an attendant in connection with officially approved permanent change of station. Transportation expenses and per diem expenses incurred by attendant to handicapped employee may be allowed as necessary to the conduct of official business and consistent with explicit congressional intent to employ the handicapped and prohibit discrimination based on physical handicap.

Kenyon I. Dugger, Jr., an authorized certifying officer for the Internal Revenue Service (IRS) has requested a decision as to whether transportation and per diem expenses may be reimbursed for the services of an attendant accompanying Mr. Alex Zazow, a handicapped IRS employee, to his new post of duty and on a house-hunting trip.

Mr. Zazow is blind and requires the assistance of a companion when traveling to an unfamiliar area. The report states that Mr. Zazow was authorized to effect a change in his post of duty from Baileys Crossroads, Virginia, to Denver, Colorado, under Form 4253, Authorization for Moving Expense, No. TPS-79-8, which provided for transportation to the new post of duty and also a house-hunting trip in connection with the official change of station. The authorization was for payment of these expenses to Mr. Zazow as a single employee. In August 1979, Mr. Zazow filed a travel voucher claiming reimbursement for travel expenses incurred in effecting his change of post of duty and for a house-hunting trip for both himself and the attendant who accompanied him. The IRS disallowed the expenses of the attendant because Mr. Zazow's relocation orders did not specify an attendant to accompany him, and IRS regulations only address payment of expenses for an attendant when accompanying a handicapped employee to and from temporary duty stations.

In our decision in H. W. Schulz, B-187492, May 26, 1977, we allowed travel expenses incurred by an attendant for a handicapped consultant in connection with temporary duty travel. While noting that the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973)

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do not specifically provide for reimbursement of the travel expenses of an attendant for a handicapped person, we reasoned as follows:

"Within the Federal Government there is a commitment to employ the handicapped and to prohibit discrimination because of physical handicap. See 5 U.S.C. 7153 (1970) and the Federal Personnel Manual, chapter 306, subchapter 4. Congressional intent favoring employment of the handicapped is also evidenced in the Rehabilitation Act of 1973, Public Law 93-112, 87 Stat. 355 (1973), and the Rehabilitation Act Amendments of 1974, Public Law 93-516, 88 Stat. 1617 (1973), which are codified in title 29, United States Code, chapter 16 (Supp. V, 1975).

"Section 792 of title 29, United States Code, established the Architectural and Transportation Barriers Compliance Board which has the responsibility to insure the accessibility by the handicapped to Federally occupied or funded buildings and facilities and to determine to what extent transportation barriers impede the mobility of handicapped persons. The Board has advised our Office that:

'* * *it would be a frustration of the underlying legislative intent to provide greater employment opportunities to the disabled and to identify and eliminate discriminatory practices if the handicapped employees in these cases were made to bear the expenses actually necessary for them to execute their employment.'

"After careful consideration, we conclude that when an agency determines that a handicapped employee, who is unable to travel without an attendant, should perform official travel, the travel expenses of an attendant are 'necessary travel expenses' incident to the employee's travel. Such necessary travel expenses may include transportation expenses and per diem.* * *"

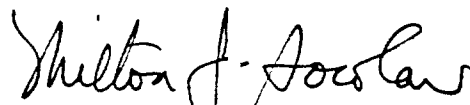
In a companion case issued on the same day, John F. Collins, 56 Comp. Gen. 661 (B-186598, May 26, 1977), we held that requiring

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a handicapped employee to bear the additional expense of an escort would cause him to suffer a financial loss as a result of traveling on official business, and, in the future might prevent the employee from conducting official business thereby resulting in the agency's loss of the employee's services. Thus, denying the attendant's travel expenses could frustrate Government policies with regard to employment of the physically handicapped. Although the Schulz case did not involve a claim for per diem for the attendant, our Collins decision directly addressed such an entitlement and stated our conclusion that there is "no reason to distinguish between transportation expenses and per diem expenses incurred by an attendant for a handicapped employee. Both are 'necessary travel expenses' incident to the official travel of the employee and may be allowed." 56 Comp. Gen. 661, 662, supra.

We likewise see no reason to distinguish between temporary duty and permanent change of station for the purpose of reimbursing the expenses of an attendant of a handicapped employee. Accordingly, we conclude that Mr. Zazow's reclaim voucher for the necessary travel expenses incurred by his attendant incident to officially approved change of station travel may be certified for payment, if otherwise correct.

In addition, the certifying officer has asked this Office how to determine the per diem rate for the two individuals under the lodgings-plus method contained in para. 1-7.3 of the FTR. In this case, the attendant was a friend. In view of this his per diem rate should be the single rate both for the house-hunting trip and the relocation travel, not the 3/4 rate for a family member. The two individuals consistently shared lodging expenses under the travel authorization. Therefore, in determining per diem rates, the lodging expenses should be divided equally between Mr. Zazow and the attendant.



Acting Comptroller General
of the United States