

DECISION.

18737
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

*Muster
Per Law*

FILE: B-200640

DATE: July 7, 1981

MATTER OF: Robert L. Peterson

DIGEST: Civilian marine employee of Military Sealift Command on temporary duty while convalescing from heart attack rents an automobile on recommendation of attending physician. Since hired automobile was not used for official business but was necessary medical expense claim for reimbursement for rental and related expenses may not be allowed as a travel or temporary duty expense. Further, no authority has been found for the Government to pay for car rental as a medical expense even though seamen such as the claimant are entitled to medical benefits from the Public Health Service under 42 U.S.C. § 249.

On September 13, 1977, Mr. Robert L. Peterson, a civilian marine employee of the Military Sealift Command (MSC) while serving aboard the USNS Furman as Second Officer, suffered a heart attack. He was removed from the ship and hospitalized at the United States Naval Hospital on the island of Guam. He was released from the hospital on or about September 30, 1977, and on the recommendation of the attending physician he was treated as an outpatient on the island of Guam until November 14, 1977. Mr. Peterson claims reimbursement of the cost of renting a vehicle. For the reason given below we must sustain action by the Claims Group disallowing payment for the costs involved.

In a letter dated November 4, 1977, the attending physician recommended an air conditioned rent-a-car for Mr. Peterson as a part of his recuperation as an outpatient. This recommendation was premised upon the usually hot climate on Guam and his instruction to Mr. Peterson to gradually progress his ambulation to a point where the effects of sunlight would not affect his recovering heart. Other factors cited by the physician and Mr. Peterson were the unavailability of public transportation, unreliable and expensive taxi service,

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the need to go back and forth to the hospital for checkups; and the therapeutic benefits of being able to move about the island while recuperating.

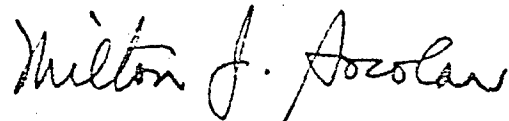
Paragraph 1-3.2a provides in pertinent part:

"* * * The hire of * * * automobile, taxicab * * * or other conveyance will be allowed if authorized or approved as advantageous to the Government whenever the employee is engaged in official business within or outside his designated post of duty."

The rental of the automobile was not authorized or approved as advantageous to the Government nor could it properly have been authorized because Mr. Peterson was not engaged in official business in the use of the automobile. Therefore, the rental and associated expenses are not reimbursable as a travel or temporary duty expense. B-186820, February 23, 1978, and B-186115, February 4, 1977.

Seamen employed on vessels of the United States Government are entitled, in accordance with regulations, to medical treatment and hospitalization without charge at hospitals and other stations of the United States Public Health Service under 42 U.S.C. § 249 (1976) and implementing regulations found in 42 C.F.R. Part 32 (1979). Although hospitalization and treatment given Mr. Peterson may have been provided under that authority, we find nothing in those provisions, nor in any other provision of law, which would permit the reimbursement of automobile rental charges even though such charges were incurred on the advice of the attending physician.

Accordingly, reimbursement of car rental and associated expenses may not be approved.



Acting Comptroller General
of the United States