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DECISION



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

FILE: B-204040

DATE: April 6, 1982

MATTER OF: Douglas D. Bolstad

DIGEST: Since employee incurred costs associated with its use, he is entitled to reimbursement of mileage and parking fees for operating a privately owned vehicle borrowed from his father and used at his temporary duty station to commute between his residence and the temporary duty site. There is no requirement that employee hold title to private automobile used to perform official travel as condition to payment of mileage under 5 U.S.C. 5704.

In this case we hold that the employee is entitled to mileage and parking fees for use of a privately owned vehicle that he borrowed from his father.

Mr. Douglas D. Bolstad, an employee of the Bureau of Mines in Spokane, Washington, was assigned temporary duty in Washington, D.C., between January 24 and February 6, 1981. He obtained lodging with relatives in Potomac, Maryland, at no cost to the Government and commuted to Washington using an automobile that he borrowed from his father. He agreed with his father to pay for gasoline and maintenance. He also incurred parking expenses in Washington, D.C.

Mr. Bolstad claims reimbursement for use of the borrowed automobile. In addition to mileage and parking fees for commuting 50 miles per day between Potomac and his temporary duty site, he claims mileage for travel from National Airport upon his arrival in Washington and for travel to Dulles Airport incident to his departure. The Bureau determined that mileage to and from the airport was allowable under our decision Linda A. Johnson, B-198246, March 31, 1981, 60 Comp. Gen. _____. However, he was denied the mileage and parking fees claimed for daily commuting. That disallowance was based on 16 Comp. Gen. 604 (1936) in which we held that a mileage allowance was payable only for travel performed in a vehicle owned by the employee himself. Ms. Darlene J. Williams, Authorized Certifying Officer, Bureau of Mines, requests our decision on whether Mr. Bolstad may be reimbursed for the disputed items on a mileage or other basis.

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Our holding in 16 Comp. Gen. 604 involved the act of February 14, 1931, 46 Stat. 1103, as amended, which authorized payment of a mileage allowance for an employee's use of "his own automobile" for necessary travel on official business. The act of April 25, 1940, 54 Stat. 167, eliminated the requirement that an employee use "his own" automobile and authorized mileage for use of a privately owned vehicle regardless of whether or not it is owned by the employee. 19 Comp. Gen. 984 (1940). Section 5704 of title 5 of the United States Code currently authorizes mileage for travel by privately owned vehicle without regard to its ownership. Consequently, our decision in 16 Comp. Gen. 604 is no longer applicable and to the extent our holding in B-152030, August 15, 1963, suggests otherwise, it too is no longer to be followed. The case in which an employee borrows a privately owned vehicle for official travel is to be distinguished from cases such as Matter of Pelzke, B-191282, September 29, 1978, in which the employee travels as a passenger in the automobile of an individual who is not a Government employee.

In this case, Mr. Bolstad's travel orders authorized travel by common carrier and travel by privately owned vehicle "for approx. 400 miles" as advantageous to the Government. In view of the distance between Spokane and Washington, D.C., the authorization to travel by privately owned vehicle is reasonably to be viewed as covering Mr. Bolstad's travel for the 25 mile distance between his residence and the airport in Spokane as well as travel at the temporary duty location. Since Mr. Bolstad incurred expenses for operating the borrowed automobile, he may be paid a mileage allowance in connection with its use for official travel at the temporary duty location. Though Mr. Bolstad obtained lodgings 25 miles from his temporary duty site, those lodgings were obtained at no cost to the Government. Under similar circumstances, we have held that the expenses of daily commuting may be allowed in lieu of per diem to the extent they do not exceed the per diem and transportation expenses which would have been allowable had the employee lodged in close proximity to the temporary duty station. Matter of Groder, B-192540, April 6, 1979, and Matter of Sarine, B-201894, February 23, 1982.

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For the reasons stated above, Mr. Bolstad's claim may be allowed.

for Milton J. Fowler
Comptroller General
of the United States