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Mr. Braune

**DECISION**



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

FILE: B-204211

DATE: April 5, 1982

MATTER OF: Kenneth E. Valant.

**DIGEST:** Where employee necessarily obtains lodgings in high-cost area because there were no accommodations in per diem area where employee was assigned to temporary duty, situation falls within unusual circumstances criteria of paragraph C4606, Volume II of the Joint Travel Regulations, under which actual expenses may be authorized or approved.

A finance and accounting officer of the Army has asked for an advance decision on the reclaim of Mr. Kenneth E. Valant for reimbursement of the difference between per diem and actual expenses while on a temporary duty assignment. This request was forwarded through the Per Diem, Travel and Transportation Allowance Committee and assigned Control No. 81-20. Subject to the procedural requirements imposed by paras. C4606 through 4608 of Volume II of the Joint Travel Regulations, Mr. Valant's claim falls within the criteria of para. C4606 for approving actual expenses based on unusual circumstances.

The record shows that Mr. Valant and four other employees of the United States Army Defense Ammunition Center School at Rock Island Arsenal, Rock Island, Illinois, were assigned in October 1979 to temporary duty at Toole Army Depot, Utah. While at Toole the employees were reimbursed the maximum \$35 per diem. However, because there was no Government housing available at Toole Army Depot and because lodgings otherwise were unavailable in the vicinity, the Protocol Office at Toole Army Depot arranged lodgings for the employees in Salt Lake City, a high-rate geographical area. Upon returning the employees requested reimbursement of actual expenses based upon the higher rate designated for Salt Lake City.

The issue in this case is whether the employees may be reimbursed actual expenses based on the high-rate geographical area where they obtain lodgings instead of the per diem rate applicable to the site where they perform temporary duty. We have previously considered the actual expenses entitlement of an Interior Department employee who necessarily obtained lodgings in a high-rate geographical area en route to and from temporary duty in a nearby per diem area. We stated that the Federal Travel Regulations (FTR) provide

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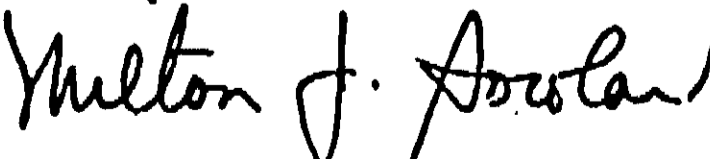
for reimbursement at the high cost area rate only when the employee performs official duties in such area. Matter of Heald, B-200081, March 25, 1981. The regulations governing overseas travel provide that per diem will be that of the locality where the employee lodges when he is required to lodge at a place other than his place of temporary duty. FTR para. 1-7.4d, II JTR para. C4552-3c. No similar provision is made with respect to travel to high cost geographical areas.

However, regulations governing payment of actual expenses for unusual circumstances were amended effective April 21, 1980, to add a new subparagraph to the listing of examples of unusual circumstances, FTR para. 1-8.1c(3)(d). That amendment is substantially identical to para. C4606-6, II JTR, as amended by Change 177, effective April 21, 1980, which added the following example of unusual circumstances which may warrant the authorization or approval of actual expenses:

- "6. The temporary duty point is located in an area adjacent to a designated high cost area and the subsistence costs at available facilities are commensurate with those in the high cost area or the employee must of necessity obtain lodging in the high cost area."

The assignments of the five Army employees to Toole Army Depot predated the April 21, 1980 amendment to the Federal Travel Regulations and II JTR para. C4606-6. But, as in the Heald case, the language of para. C4606-6 was not necessary to authorize payment, but was added to make it clear that his situation could well involve unusual circumstances which would justify authorization of actual expenses.

For civilian employees of the Department of Defense, actual expenses based on unusual circumstances may be authorized or approved only by those officials listed at JTR para. C4604-2, or under para. C4604-1, by the Per Diem, Travel and Transportation Allowance Committee under the procedures set forth at paras. C4605 through C4608. The employee's claim is to be considered under those procedures.

for   
Comptroller General  
of the United States