

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

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FILE: B-210660**DATE:** September 27, 1983**MATTER OF:** Joe B. Knight

DIGEST: An employee of Navy reported to duty at various worksites without reporting first to his nearby headquarters. He resided at temporary lodgings in that area and claims mileage to and from his permanent residence which during the period of the claim, he visited twice each week. The employee may not be paid mileage for travel between a distant residence to which he does not commute on a daily basis and an alternate worksite in the vicinity of his headquarters station.

The issue presented in this case is whether a civilian employee of the Department of the Navy is entitled to mileage for travel twice a week between his residence and an alternate worksite near his headquarters when he does not report to his headquarters. On days he did not return to his residence he secured temporary accommodations in the vicinity of his headquarters and alternate worksite. The employee is not entitled to mileage between his distant residence and the alternate worksite in the vicinity of his headquarters.

Mr. Joe B. Knight appeals the settlement of our Claims Group which denied his claim for a mileage allowance for travel between his residence in New Bern, North Carolina, and his duty station at Little Creek, Virginia. For the past several years, Mr. Knight has been employed by the Superintendent of Shipbuilding, Conversion and Repair, United States Navy, Portsmouth, Virginia. Instead of reporting to Portsmouth or any single location, he has reported directly to different repair facilities.

From May 1979 until March 1981, Mr. Knight was temporarily assigned duty at New Bern, North Carolina, approximately 145 miles from his headquarters in Portsmouth. During this assignment, he purchased a residence in New Bern. From March 30 until August 31, 1981, he was assigned to Naval Amphibious Base, Little Creek,

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Virginia. On September 1, 1981, he was assigned to Norfolk Shipbuilding and Drydock Company, Norfolk, Virginia. Both Little Creek and Norfolk are less than 25 miles from Portsmouth. Mr. Knight declares that he changed his permanent residence from the area around his permanent station at Portsmouth (the Tidewater area) to New Bern on April 30, 1981, i.e., 1 month following the termination of his assignment to New Bern while he was working in the Tidewater area.

Mr. Knight filed a claim for reimbursement of mileage for the use of a privately owned automobile between New Bern, North Carolina, and Little Creek, Virginia. Although mileage was initially approved by a Navy official as advantageous to the Government, payment was not made because of the absence of specific guidelines regarding commuting distance.

Upon review of the claim, the Commander of the Navy Accounting and Finance Center denied payment because the assignments were not considered incidental to temporary duties. He transmitted the claim, however, to our Claims Group because doubt existed as to whether the assigned worksites were regular places of duty or temporary duty stations.

In the present case, Mr. Knight did not normally report to Portsmouth, which had been administratively designated as his official duty station, but he reported directly to worksites such as Little Creek, sometimes traveling to and from his residence in New Bern and sometimes traveling to and from temporary lodging in the Tidewater area.

Under Volume 2 of the Joint Travel Regulations, an employee is entitled to reimbursement of mileage for the distance traveled between his "place of abode" and an alternate duty point, provided that the use of his privately owned vehicle is authorized or approved as advantageous to the Government. This mileage allowance for travel between the employee's residence and his place of temporary assignment is authorized even though the employee does not first report to his headquarters. 2 JTR, para. C2153. That regulation also defines an "alternate duty point" as a place of duty "within or outside the employee's permanent duty station other than his regular place of work."

The situation applicable to employees of the Supervisor of Shipbuilding, Conversion and Repair, who perform duties similar to those performed by Mr. Knight is unusual. These employees spend little time at the designated headquarters in Portsmouth but are assigned to various contractor and other shipbuilding and repair locations for periods of several months at a time. Apparently most of the locations at which assignments are performed are in the Tidewater area and within reasonable commuting distance of Portsmouth and residential communities in and around Portsmouth. However, some assignments are in locations outside the Tidewater area and not in reasonable commuting distance thereof. When employees are assigned to these areas they are placed on temporary duty with appropriate subsistence allowances. While working in the Tidewater area and not at headquarters employees are authorized mileage on the basis that they are working at alternate duty locations. Mileage is paid from the employee's residence to the duty location each day.

In the present case, it appears that Mr. Knight had an unusually long assignment in New Bern just prior to the period covered by this claim. In spite of the length of time he was so assigned he was kept in a temporary duty status. When reassigned to jobs in the Tidewater area he asserted a right to mileage for commuting to New Bern on the basis that it is his only residence since the accommodations he acquires from time to time in the Tidewater area are temporary in nature.

In our discussions concerning payment of mileage from an employee's residence to an alternate worksite the employee's residence has usually been in the vicinity of his headquarters--a residence from which he commutes on a daily basis. In a case involving an employee's travel on weekends to his family residence we held that mileage could be paid only between the place near his worksites where he stayed during the week and not his family residence on weekends. Matter of Schwappach, B-201361, December 30, 1981. See also Matter of Morgan, 55 Comp. Gen. 1323 (1976). The result in Morgan was reconsidered and changed because the employee resided in temporary motel accommodations on his infrequent visits to his headquarters. Matter of Morgan, 57 Comp. Gen. 32 (1977). However, while he was allowed mileage for travel

within 25 miles of his headquarters, he was not allowed mileage for the full distance from headquarters to his family residence 103 miles distant. Thus, while that case is distinguished from the situation here because Mr. Knight is usually assigned to worksites in the vicinity of his headquarters, even if that were not so, it would not support his claim for mileage to New Bern.

Therefore, even though an employee may not have established a permanent residence in the vicinity of his headquarters, he is not entitled to the cost of travel once or twice a week from a distant residence to an alternate work location in the vicinity of his headquarters.

We are not in a position at this time to evaluate other situations which may occur with respect to employees of the Supervisor of Shipbuilding, Conversion and Repair, at Portsmouth. But it is clear that an employee who maintains a residence a long distance away from Portsmouth cannot claim mileage for the twice weekly trips to that place. Mileage would be payable from the employee's temporary residence or lodging in the area of Portsmouth on any day he was assigned to an alternate duty site in the Tidewater area. But travel to the remote residence once or twice a week is a responsibility of the employee not related to his headquarters or his alternate duty location.

Accordingly, the Claims Group's disallowance of Mr. Knight's claim is sustained.

for *Milton J. Fowler*
Comptroller General
of the United States