

DECISION



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

FILE: B-211775

DATE: October 5, 1983

MATTER OF: Thea D. Willenburg and Warren R. Ham -
Home Leave Travel

DIGEST:

Two employees of the General Accounting Office traveled from their overseas duty stations in Frankfurt, Germany, to their actual places of residence in the United States for purposes of taking home leave. Subsequently, both employees performed round-trip travel from their residences to Honolulu, Hawaii, before returning to their duty stations in Frankfurt. The employees' trips to Hawaii constituted side trips which may not be regarded as part of circuitous travel within the purview of paragraph 1-2.5b of the Federal Travel Regulations, FPMR 101-7 (September 1981). Accordingly, expenses associated with the employees' trips to Hawaii may not be paid by the Government.

Mr. Harold T. Ownby, an authorized certifying officer of the General Accounting Office (GAO), requests an advance decision as to whether Ms. Thea D. Willenburg and Mr. Warren R. Ham, GAO employees stationed in Frankfurt, Germany, may be allowed certain travel expenses they incurred after returning to the United States for the purpose of taking home leave. Specifically, he questions whether the employees' round-trip travel from their home leave residences to Honolulu, Hawaii, may, for reimbursement purposes, be regarded as circuitous travel within the purview of para. 1-2.5b of the Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR). We hold that the employees' trips to Hawaii constituted side trips which may not be considered part of circuitous travel. Accordingly, travel expenses associated with the trips to Hawaii must be borne by the employees.

In accordance with the provisions of 5 U.S.C. § 5728 (1982), Ms. Willenburg was authorized round-trip travel from Frankfurt to Kansas City, Kansas, her place of residence at the time of her assignment overseas, for the purpose of taking home leave during the months of December 1982, and

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January 1983. Under the same authority, Mr. Ham was allowed round-trip travel from Frankfurt to his place of residence in Anaheim, California, during the month of January 1983. Travel by circuitous route was authorized for both employees, provided that each employee would bear any excess cost and charge any excess time to annual leave.

Ms. Willenburg was issued a Government Transportation Request (GTR) for coach class air travel from Frankfurt to Kansas City, and return. Instead of securing coach accommodations, she purchased an excursion rate round-trip ticket for travel between Frankfurt and New York City. Ms. Willenburg also arranged to fly to various points in the United States under a "Visit U.S.A." fare, which permits travel to an unlimited number of destinations at a flat rate. She then traveled from New York City to Kansas City, via Cincinnati, Ohio, remaining at her place of residence for 9 days. Subsequently, she performed round-trip travel from Kansas City to Honolulu, Hawaii, via San Francisco. While in Hawaii, she traveled between Honolulu and Maui, paying a separate fare for such travel.

After returning from her trip to Honolulu, Ms. Willenburg spent 2 days in Kansas City. Continuing her travel under the "Visit U.S.A." fare, she proceeded from Kansas City to Washington, D.C., where she attended an authorized training course. After completing her training, Ms. Willenburg traveled to New York City, in order to return to Frankfurt.

On her voucher, Ms. Willenburg indicated that the coach fare for round-trip travel from Frankfurt to Kansas City would have been 4,103 DM or about \$1,675. The actual travel expenses incurred by her totalled 2,862 DM or about \$1,169 including the following expenses: (1) \$471 for excursion rate round-trip travel from Frankfurt to New York City; (2) \$615 for the "Visit U.S.A." fare covering travel from New York City to Kansas City, round-trip travel from Kansas City to Honolulu, and return travel from Kansas City to New York City, via Washington, D.C., and; (3) \$81 for round-trip travel from Honolulu to Maui (cents rounded off).

The GTR issued to Mr. Ham authorized coach class travel from Frankfurt to Los Angeles, California, and return.

Mr. Ham used the GTR to purchase an excursion rate round-trip ticket for travel between the authorized points, and, after arriving in Los Angeles, spent 8 days at his place of residence in Anaheim. He then performed round-trip travel from Los Angeles to Honolulu under a "Visit U.S.A." fare. While in Hawaii, he traveled to the islands of Kahului and Lihue, paying a separate fare for such travel. Mr. Ham returned to Anaheim for 3 days before proceeding to his duty station in Frankfurt.

Mr. Ham's voucher indicates that, at the time he performed home leave travel, the coach fare for round-trip travel from Frankfurt to Los Angeles was 4,305 DM or about \$1,794. His actual travel costs totaled 3,212 DM or about \$1,338, including the following expenses: (1) \$740 for excursion rate round-trip travel from Frankfurt to Los Angeles; (2) \$395 for round-trip travel from Los Angeles to Honolulu under a "Visit U.S.A." fare; and (3) \$203 for travel between Honolulu, Kahului, and Lihue (cents rounded off).

The certifying officer believes that the employees' round-trip travel from Frankfurt to their respective places of residence constituted reimbursable home leave travel. Thus, he contends that the Government is not liable for any of the expenses the employees incurred in their trips to Hawaii, since such travel was personal in nature. He further states that, in the event a cost comparison is warranted, the constructive costs of round-trip travel between Frankfurt and the employees' actual places of residence should be based on the excursion fares obtained by the employees, and not on coach class fares. In this regard, he poses the following questions:

"(1) Are all legs of the travel as performed by Mr. Ham and Ms. Willenburg circuitous travel, and reimbursable as home leave?

"(2) If so, then are Mr. Ham and Ms. Willenburg entitled to reimbursement based on a cost comparison to coach air fare, or are they liable for any charges in excess of the round trip excursion fares obtained between post of duty and home of record?"

The Director of GAO's European Branch expresses concern that our answers to the certifying officer's questions may unduly restrict the home leave benefits currently available to GAO employees stationed overseas. In this regard, he asserts generally that constructive travel costs should be based on coach class fares, and that the European Branch has customarily allowed employees an amount equal to coach fares for round-trip travel between the authorized points of origin and destination. Furthermore, he contends that, if the effect of our decision is to prohibit circuitous travel, a hardship would be imposed on those employees whose actual places of residence are at locations different from those at which their relatives and friends reside.

Overseas tour renewal agreement travel (home leave travel) is authorized by 5 U.S.C. § 5728(a) (1982), which provides for round-trip travel of an employee and transportation of his immediate family from the employee's place of duty outside the continental United States to his place of actual residence (residence at the time of assignment overseas). See FTR para. 2-1.5h. Should an employee choose to travel to his place of residence by an indirect route for his own convenience, FTR para. 1-2.5b provides:

"b. Indirect-route or interrupted travel.

When a person for his/her own convenience travels by an indirect route or interrupts travel by direct route, the extra expense shall be borne by him/her. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. * * *

An employee traveling to his place of residence by an indirect route is entitled to be reimbursed for such travel in an amount not to exceed the constructive cost of travel by the direct route, or the actual cost of travel, whichever is lower. B-178535, June 21, 1973.

Neither Ms. Willenburg's nor Mr. Ham's trips to Hawaii may be regarded as circuitous travel within the purview of FTR para. 1-2.5b. Both employees traveled from Frankfurt to their places of residence on home leave before beginning travel to Hawaii. At the conclusion of their trips to Hawaii, both employees spent several days at their places of residence before returning to Frankfurt. Under these

circumstances, it is clear that each employee's round-trip travel to Hawaii constituted a side trip for personal reasons, and cannot be considered a part of authorized home leave travel. See B-148735, May 15, 1962. Accordingly, none of the expenses incurred by the employees on their trips to Hawaii may be paid by the Government, even if the actual costs of the employees' travel did not exceed the constructive costs of direct travel between Frankfurt and their actual places of residence.

Travel costs payable by the Government for Ms. Willenburg's travel are those incurred for her round-trip travel from Frankfurt to Kansas City by the circuitous route used, excluding the side trip to Hawaii. Specifically, the Government is liable for the \$471 excursion fare covering Ms. Willenburg's round-trip travel from Frankfurt to New York City, and for the cost of Ms. Willenburg's travel from New York City to Kansas City, and return via Washington, D.C., under applicable Government fares. Based on official tariffs set forth in the General Services Administration's Federal Travel Directory, January 1983, the total cost for allowable travel performed by Ms. Willenburg in the United States amounts to \$281, based on the following Government fares: \$129 for travel from New York City to Kansas City, \$108 for travel between Kansas City and Washington, D.C., and \$44 for travel from Washington, D.C., to New York City. Ms. Willenburg must bear the excess cost of the "Visit U.S.A." fare attributable to her side trip to Hawaii (\$334), plus the \$81 cost of round-trip travel between Honolulu and Maui.

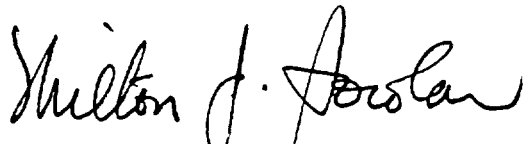
Travel costs payable by the Government for Mr. Ham's travel are those incurred for his round-trip travel from Frankfurt to Los Angeles at the \$740 excursion rate obtained by the employee. Mr. Ham must bear the expense of the \$395 "Visit U.S.A." fare covering his round-trip travel from Los Angeles to Honolulu, and the \$203 fare paid for travel between Honolulu, Kahului, and Lihue. These figures are approximations and should be verified by the certifying officer before payments are collected.

Since we have determined that the employees' trips to Honolulu may not be regarded as circuitous travel within the purview of FTR para. 1-2.5b, we need not address the certifying officer's question as to whether, for cost comparison purposes, constructive travel costs should be

based on coach class fares or on the excursion fares actually obtained by the employees. However, responding generally to comments submitted by the Director of GAO's European Branch, we note that we have recently held that special or discount air fares should be used in determining the constructive cost of air travel between an employee's overseas post of duty and his actual place of residence, provided the agency can determine before the travel begins that the discount fare would be practical and economical. B-211638, July 26, 1983. 62 Comp. Gen. _____. For the purpose of determining constructive travel costs, air fares should be calculated at the lowest economy rate (or excursion rate, if applicable) available at the time that travel by direct route would have been performed. See B-165854, February 4, 1969.

The Director of GAO's European Branch also expresses concern that, should our decision restrict circuitous travel, a hardship would be imposed on employees whose actual places of residence are at locations different from those at which their relatives and friends reside. As discussed previously, FTR para. 1-2.5b allows an employee to travel to an authorized destination by an indirect route for his own convenience. Our decision with respect to the claims of Ms. Willenburg and Mr. Ham does not abrogate the authorization contained in FTR para. 1-2.5b, but holds that a side trip taken for personal reasons may not be regarded as circuitous travel within the purview of that regulation. Furthermore, para. 2-1.5h(2)(c) of the FTR, implementing the home leave travel provisions of 5 U.S.C. § 5728, specifically authorizes an employee to travel to an alternate location in the same country as his place of actual residence. Travel and transportation expenses allowable for travel to an alternate destination are limited to the cost of travel by the usual route from the employee's overseas post of duty to his place of actual residence, and return.

For the reasons stated above, we hold that Ms. Willenburg's and Mr. Ham's trips to Hawaii constituted side trips for personal reasons, and may not be considered part of authorized home leave travel. Expenses associated with the side trips are personal in nature and may not be paid by the Government.

for 
Comptroller General
of the United States