

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548***114. Edthae
PLM I
29325***FILE:** B-215680**DATE:** September 18, 1984**MATTER OF:** Joel L. Morrison - Reimbursement of
Government Employees for Transportation
Purchased Through Travel Agents**DIGEST:**

1. An employee who pays for travel on official business with more than \$100 of personal cash, contrary to Federal Travel Regulations para. 1-10.2b (September 1981), may be reimbursed if he provides a receipt or other evidence of purchase.
2. Employee who purchased airline ticket for travel in March 1984, from travel agent, may be reimbursed to the extent amount paid does not exceed cost of ticket procured directly from carrier, even though change to Federal Travel Regulations (Supp. 9, May 14, 1984) (FTR), specifically allowing this result was issued after travel was completed. This addition of FTR para. 1-3.4b(2)(b) was not revision of regulations, but instead was a clarification to bring FTR into accord with GAO cases and provisions of Joint Travel Regulations. Since record shows that employee had no alternative but to use travel agent, reimbursement is allowed as limited above.

The question presented is whether a Federal employee traveling on Government business may be reimbursed for travel expenses when the employee: (1) expended more than \$100 in cash contrary to the provisions of Federal Travel Regulations, FPMR 101-7, para. 1-10.2b (September 1981) (FTR); and (2) made use of a travel agent for a second time. We hold that the employee, Mr. Joel L. Morrison, may be reimbursed up to the amount he paid as long as it does not exceed the cost of the transportation if it had been procured

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directly from the carrier, as he had no reasonable alternative and undertook the trip in the conscientious performance of his duties.

Mr. Morrison, an employee of the U.S. Geological Survey, Reston, Virginia, is responsible for providing curriculum assistance, when requested, to Historical Black Colleges and Universities (HBCUs). On Thursday, March 22, 1984, he returned to his office late in the day to find a request that he attend a meeting of the geography department at Jackson State University, an HBCU institution in Jackson, Mississippi, on Tuesday, March 27.

By the time he received this request, Mr. Morrison had already made arrangements to spend Friday in Baltimore, Maryland, at Morgan State University and Monday in Champaign, Illinois. The latter trip was at the request and expense of the University of Illinois, which had already issued him an airline ticket. Mr. Morrison's secretary, away at a 3-day training course, could not be contacted to coordinate the Mississippi trip through the proper channels. Because of the late time of day and the immediate need to acquire airline reservations to include the Mississippi trip with the Illinois trip, Mr. Morrison went to a private travel agent and purchased an additional airline ticket with \$435 of personal cash.

Under FTR para. 1-10.2b Federal employees are prohibited from spending more than \$100 in personal cash for transportation services for travel on official business. We have held, however, that employees who can prove their cash expenditures in excess of \$100 through a receipt or other documentation, may be reimbursed. Esther O. Kaloa, B-198950, July 18, 1980; Maurice A. Parker, B-195218(1), October 3, 1979. Assuming that Mr. Morrison can provide a receipt or similar evidence of purchase, his use of more than \$100 of personal cash is not a bar to reimbursement.

Mr. Morrison's use of a travel agent poses a further problem. At the time of Mr. Morrison's travel, Federal employees were prohibited from using travel agents to procure transportation within the United States for travel on official business. 4 C.F.R. § 52.3 (1983). Although this particular section of the Code of

Federal Regulations with its general prohibition against the use of travel agents was repealed effective May 25, 1984 (49 Fed. Reg. 17721, April 25, 1984), Federal employees are still restricted in the use of most travel agents. By regulation published at 49 Fed. Reg. 22085, May 25, 1984, the Acting Administrator of General Services restricted the use of travel agents by Federal employees to agents with whom the General Services Administration has entered into contracts. Since there is no indication in the record that Mr. Morrison's travel agent had such a contract, his use of the travel agent is improper even under the revised rules now in effect.

However, we also have held that employees who inadvertently violate this rule may be reimbursed for the amount that the Government would have been required to pay had the transportation services been procured directly from the carrier. Ernest Michael Ward, 60 Comp. Gen. 445 (1981); Seymour Epstein, B-213340, February 23, 1984. Both of these cases take note of paragraph C2207 of Volume 2 of the Joint Travel Regulations (JTR) which provides that an employee may be reimbursed if he inadvertently purchases transportation services through a travel agent. This provision goes on to provide that the employee should be advised that he will be denied reimbursement if he again uses a travel agent unless he can demonstrate that he had no alternative. Mr. Morrison falls into this latter classification since he had previously used a travel agent and had been so admonished.

There was no provision in the FTR that was comparable to the above paragraph of the JTR when Mr. Morrison performed the travel at issue here. However, the General Services Administration has now incorporated the provision into the FTR as paragraph 1-3.4b(2)(b), through GSA Bulletin FPMR A-40, Supp. 9, 49 Fed. Reg. 20372, May 14, 1984. In the "Explanation of Changes" included in Supp. 9, two of our decisions are cited as support for the inclusion of paragraph 1-3.4b(2)(b) in the FTR, 59 Comp. Gen. 433 and B-201777, May 6, 1981, which is published as 60 Comp. Gen. 445. Thus, we do not view this change in the FTR as stating a new rule, but merely as a clarification of the existing regulations promulgated to assure that the FTR is consistent with the JTR and our cases.

As a clarification, this provision may be applied to Mr. Morrison's case, and he may be reimbursed even though he had been previously admonished, if he had no alternative other than use of a travel agent. The circumstances of Mr. Morrison's travel are set out above. The notice of his need to travel to Mississippi was very late in reaching him; his other, previously scheduled, obligations restricted his opportunities to use the usual procedures; and his secretary was unavailable. Considering all the circumstances, we hold that Mr. Morrison may be reimbursed. The record is not clear how much Mr. Morrison's travel would have cost if it had been purchased directly from the carrier. That cost should be determined and Mr. Morrison's reimbursement should be restricted to that amount.

for Milton J. Fowler
Comptroller General
of the United States