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DECISION



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

FILE: B-218994

DATE: January 2, 1986

MATTER OF: Joel R. Zaiantz - Reimbursement for
Unused Portion of Airline Ticket
Purchased by the Government

DIGEST:

On official airline travel the employee's return flight was overbooked, he voluntarily vacated his seat, and he took the next scheduled flight. Airline company issued a Miscellaneous Charge Order (MCO) to the employee to be used on a standby basis within 1 year. Claimant was later authorized official travel from Rockville to San Francisco, California. He used the MCO (determined by GAO to belong to employee) to purchase an airline ticket for a personal side trip from San Francisco to Ft. Lauderdale, Florida. His return trip to Baltimore was included in the segment paid by the MCO. Employee may not be reimbursed for the cost of the unused portion of the official airline ticket since the government has no obligation for the cost of the return travel as no travel expenses were incurred.

This decision is in response to a request by Mr. Walter W. Pleines, Director, Division of Finance, OFR, Social Security Administration (SSA), Department of Health and Human Services, for an advance decision. The issue is whether the reclaim travel voucher in the amount of \$166, submitted by Mr. Joel R. Zaiantz, an employee of the agency, representing the unused portion of an airline ticket purchased by the government, may be certified for payment. For the reasons stated later, Mr. Zaiantz is not entitled to reimbursement for the unused portion of the airline ticket, and therefore, the reclaim travel voucher may not be certified for payment.

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Mr. Zaiantz was authorized to perform official airline travel from Rockville, Maryland, to Jackson, Mississippi, and return, in August 1983. Upon arrival at the gate for his return flight, Mr. Zaiantz voluntarily vacated his seat on the flight, which was overbooked, and took the next scheduled flight to Baltimore, Maryland. The airline company issued a Miscellaneous Charge Order (MCO) to Mr. Zaiantz, valued at \$350, to be used, on a standby basis, within 1 year.

In its settlement action dated June 29, 1984, our Claims Group determined that, based upon the decisions of this Office, Mr. Zaiantz should be allowed to keep the MCO, valued at \$350, for voluntarily vacating his reserved seat on the overbooked airplane. See William J. Gournay, 60 Comp. Gen. 9 (1980); Charles E. Armer, 59 Comp. Gen. 203 (1980); William R. Stover, B-199417, October 10, 1980; Edmundo Rede, Jr., B-196145, January 14, 1980.

On June 3, 1984, Mr. Zaiantz performed official travel from Rockville to Denver, Colorado, and San Francisco, California. He had been instructed by SSA not to use the MCO until a decision as to its ownership had been rendered by this Office. However, on June 6, 1984, after completing his temporary duty assignment, Mr. Zaiantz used the MCO to purchase a ticket from the airline company for a personal side trip from San Francisco to Ft. Lauderdale, Florida. His return trip from official travel to Baltimore on June 12, 1984, was included as a segment paid by the MCO.

In submitting his travel voucher, Mr. Zaiantz attached the unused portion of his official ticket for the return segment of the San Francisco trip and noted thereon that, "Return trip to BWI at no cost to Government (used free complimentary ticket by Delta Airlines on earlier business trip)." On his reclaim travel voucher, Mr. Zaiantz is reclaiming the sum of \$166 representing the portion of his original government-issued airline ticket which was not used for his return travel from San Francisco to Baltimore.

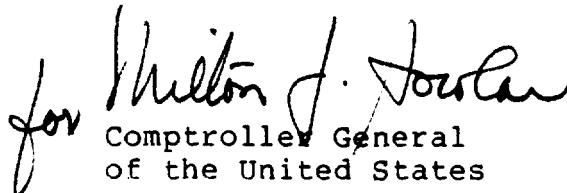
Mr. Zaiantz contends that the MCO was issued to him personally for use on a standby basis. He states that had he not taken the initiative of trying to save the government money by using the MCO prior to its expiration date, August 11, 1984, it would have been completely wasted since

he had no official travel again until December 1984. He feels that equity and good conscience dictate that his reclaim for \$166 for the San Francisco-Baltimore segment of his trip, paid for by the MCO, is completely justified.

The SSA contends that, although Mr. Zaiantz did return to Baltimore on the ticket purchased with the MCO, he used the ticket primarily for his personal trip to Ft. Lauderdale. The agency also states that it has no authority to reimburse a traveler when no out-of-pocket expenses are incurred.

The purpose of the issuance, by the government, of the original airline ticket to Mr. Zaiantz was to relieve him from the payment of the expenses of his official travel from Baltimore to San Francisco, and return, to perform official government business. While it is true that Mr. Zaiantz used the MCO issued to him personally to pay, not only for his personal trip to Ft. Lauderdale, but also for his return trip to Baltimore, the fact remains that he did not personally incur or pay for any expenses of travel in returning to Baltimore. It follows that since no travel expenses were incurred by Mr. Zaiantz for his return trip to Baltimore, the government has no obligation to reimburse him for the cost of the return travel. Compare Bob McHenry, B-184092, September 29, 1975, and Gerald K. Colmer, B-173758, October 8, 1971.

Accordingly, the reclaim travel voucher in the amount of \$166, wherein Mr. Zaiantz claims reimbursement for the unused portion of an airline ticket purchased by the government, may not be certified for payment.

for 
Comptroller General
of the United States