

Heitzman  
1/16/92



Comptroller General  
of the United States  
Washington, D.C. 20548

## Decision

**Matter of:** Jimmy L. Minton  
**File:** B-248550  
**Date:** June 12, 1992

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### DIGEST

Employee on temporary duty, who combines personal travel with official travel, may not be reimbursed for the cost of car rental for a period in which no official business is performed. However, employee may be reimbursed for his actual expenses for those days when the car was used for official business, not to exceed the constructive cost of the car rental. Since the employee would not have been on official business for the entire month, his constructive cost should be computed on the basis of the weekly or daily rate, whichever rate was available. The Claims Group settlement, which based the calculation of constructive cost on a pro rata monthly rate, is overruled as to this point.

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### DECISION

Mr. Jimmy L. Minton, a civilian employee of the United States Marine Corps, appeals our Claims Group settlement.<sup>1</sup> The settlement determined that Mr. Minton could be allowed reimbursement for certain travel expenses he incurred while on temporary duty travel in Aurora, Colorado. Mr. Minton questions the constructive cost method suggested by our Claims Group in calculating his rental car reimbursement.

Mr. Minton traveled by plane to his temporary duty site in Aurora, Colorado, from his home in Yuma, Arizona, on December 2, 1990. Since he had been authorized a rental car for official business, he rented a car upon arrival in Aurora. He utilized the rental car for official business until December 15, 1990, when he departed Aurora by rental car and returned to his residence in Yuma. After a period of annual leave, Mr. Minton again returned to Aurora by rental car on December 27, 1990. He again utilized the car for official business until January 3, 1991, when he departed for his residence in Yuma by rental car, arriving there on January 6.

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<sup>1</sup>Z-2867597, Feb. 21, 1992.

Our Claims Group, citing to Marty J. (Raisanen) Dama, B-235070, Oct. 6, 1989, correctly stated that reimbursement for a rental car may only be allowed for the period of time that the car is used for official business. However, the Claims Group went on to say that since the rental cars were not rented on a daily basis, reimbursement should be calculated based on the monthly rate for rental of the car divided by 30 days, instead of the daily rate charged by the rental agency. Mr. Minton says that this method of reimbursement seems to contradict our Dama decision, B-235070, supra, which limited reimbursement to the days car rental would have occurred had the employee not taken leave. Mr. Minton contends that since he was not on official business for a full month, a monthly car rental rate would not have been available to him.

We agree with Mr. Minton. Since a monthly rate would not have been available to him had the rental car been used only for official business, his constructive reimbursement should be calculated on a weekly or daily rate, whichever would have been available for his official business. Vincent L. DiMare, B-212087, Feb. 7, 1984; Lawrence B. Perkins, B-192364, Feb. 15, 1979.

Accordingly, Mr. Minton may be reimbursed his actual expenses for the rental car not to exceed the constructive cost computed as shown above. Our Claims Group determination is hereby overruled in part.

*for* Seymour Green  
James F. Hinchman  
General Counsel