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

NOV 30 1971

B-14242
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Miss Mildred J. Kell
~~Authorized Certifying Officer~~
Through Fiscal Management Officer
Internal Revenue Service
Washington, D. C. 20254

Dear Miss Kell:

We refer to your letter of September 20, 1971, your reference A:FF:lm, addressed to our Claims Division, forwarding two travel vouchers of Mr. W. C. Gaines for reimbursement of subsistence and transportation expenses incurred by his wife incident to his illness while on temporary duty in Denver, Colorado. Your letter was forwarded here by the Washington Office, Internal Revenue Service, with the explanation that it was your intent to request an advance decision regarding the allowability of Mr. Gaines' claim.

In his letter of August 11, 1971, addressed to the Regional Fiscal Management Officer, Southeast Regional Office, Mr. Gaines indicates that he was assigned to temporary duty in Denver, Colorado, from February 22, 1971, through February 26, 1971, and that on February 26 he became ill and was admitted under emergency conditions to St. Joseph's Hospital. His wife was issued a transportation request by the Atlanta office for her travel, and traveled to Denver on the 26th and remained there until his release on March 2, 1971, when both returned to Atlanta, Georgia. Mr. Gaines states with regard to his illness and the necessity for his wife's travel to and stay in Denver:

"Dr. Friedland estimated from the reduction of my hemoglobin that the loss of blood from the initial hemorrhages was approximately one and a half pints. He was unable to determine immediately if I had a perforated ulcer or not. Had this been the case, surgery would have been necessary.

"I had no one in Denver who could have authorized medical treatment or surgery for me if my condition had worsened, and I was unable to give such authorization myself."

Paragraph 6.5 of the Standardized Government Travel Regulations, as in effect at the time of the travel here involved, provides for the continuation of per diem expenses and for the transportation of an employee who,

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Wife's expenses incident to employee's illness

SUBSISTENCE

Per diem

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Wife's expenses incident to employee's illness

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while on temporary duty, becomes incapacitated due to his illness or injury, as follows:

"6.5 Illness or injury.—a. Whenever a traveler takes leave of absence of any kind because of being incapacitated due to his illness or injury, not due to his own misconduct, a prescribed per diem in lieu of subsistence, if any, will be continued for periods not to exceed 14 calendar days (including fractional days) in any one period of absence unless, under the circumstances in a particular case, a longer period is approved.

* * * * *

"b. Transportation expenses to employee's designated post of duty and per diem en route may be authorized or approved whenever the employee becomes incapacitated due to illness or injury, not due to his own misconduct, while en route to or while at temporary duty station prior to completion of temporary duty assignment."

There is no authority, however, for the payment of subsistence expenses for the spouse of an employee who becomes ill while on temporary duty. Under paragraph 6.5b, quoted above, this Office has authorized reimbursement for the transportation expenses of an employee's spouse where the determination has been made by the employee's attending physician that in order for the employee to travel back to his official duty station the services of an attendant were required and the travel of the wife to join the employee and to accompany him on his return travel as such an attendant was administratively authorized or approved. See B-127109, April 6, 1956, and B-169917, July 13, 1970, copies enclosed. Even in those cases, there is no basis for the authorization of subsistence expenses for the spouse of the employee.

In accordance with the above the vouchers, returned herewith, may not be certified for payment.

Sincerely yours,

R.F.KELLER

Deputy Comptroller General
of the United States

Enclosures

TRANSPORTATION

Dependants

Wife's expenses incident to employee's illness