



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

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B-175744

November 15, 1973

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Mr. LeRoy T. Buchanan  
309 Swater Street  
Portsmouth, Virginia 23702

Dear Mr. Buchanan:

We refer to your letter of July 23, 1973, in which you raise certain questions with respect to our decision of June 6, 1973, B-175744, to you, sustaining the action of our Transportation and Claims Division which disallowed your claim for additional per diem allowance in connection with temporary duty you performed at the Philadelphia Naval Shipyard in late 1969 and early 1970. We are also in receipt of correspondence from Congressman Robert W. Daniel, Jr., in your behalf.

The facts in your case were stated in our decision of June 6, 1973, and need not be repeated here except as pertinent to the present discussion of the case. You have submitted no new information in the matter except to state that you have been in contact with personnel from the Charleston Naval Shipyard who were on temporary duty in Philadelphia at the same time you were and who claim that they received per diem at the rate of \$25 per day for the entire period of their assignment rather than having it reduced as did you and others from the Norfolk Naval Shipyard.

You also refer to our decision B-177431, February 23, 1973, wherein it was held that the per diem of employees assigned to temporary duty in Long Beach, California, was improperly reduced on the basis that current housing surveys had not been made. Therefore, those employees were entitled to additional per diem for the duration of their assignment. You question whether a proper survey was made of available housing in the Philadelphia area at the time of your temporary duty and ask for the results of that survey.

As to your contention that employees from Charleston did not have their per diem reduced while on temporary duty in Philadelphia, we have been informally advised that the Comptroller of the Charleston Shipyard performed a spot check of the per diem paid Charleston employees who were in Philadelphia at the time in question. It was found that, of the employees checked, all who had temporary duty assignments in excess of 30 days had their per diem rates

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reduced as did you. The only instances in which per diem rates were not reduced were when the assignments of the particular employees involved did not exceed 30 days.

Concerning the housing surveys made in the Philadelphia area, we pointed out in our previous decision that under the provisions of paragraph C 8051-3 of volume 2 of the Joint Travel Regulations (JTR), in effect at the time involved, a reduced per diem rate was authorized when a temporary duty assignment was for an extended period of time and when it was shown that the cost of living at the place of temporary duty did not justify the maximum per diem allowance. In your case reduced rates were authorized after the first 30 days of your assignment on the basis of extensive surveys of the cost of available accommodations in the Philadelphia area over prolonged periods of occupancy. We have again contacted the Philadelphia Naval Shipyard with regard to the surveys taken and while the results of those surveys are no longer available, the Administrative Services Division (ASD) of the Philadelphia Shipyard has advised us that at the time of your temporary duty they obtained a housing survey that had been conducted by the Naval District Housing Office. Upon obtaining the survey, ASD made telephonic inquiries of each of the listed places of lodging to verify that the quoted rates were current and on the basis of those inquiries it was determined that a reduced per diem rate was proper. When, during the course of the temporary duty assignment a later survey showed that an increase was justified, your per diem allowance was increased to \$22. This is unlike the situation present in the Long Beach case, B-177431, supra, where current surveys had not been made and it was shown that lodging at reduced rates was unavailable.

Accordingly, since your per diem rates were administratively determined at the time of your temporary duty in accordance with the appropriate provisions of the JTR, there is no basis for any different view regarding your claim than that expressed in our decision of June 6, 1973.

Sincerely yours,

PAUL G. DEMBLING

For the Comptroller General  
of the United States

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