



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

RELEASED

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B-191588 (MRV)

APR 24 1979

The Honorable John C. Danforth
United States Senator
Railway Exchange Building, 1867
611 Olive Street
St. Louis, Missouri 63101

Dear Senator Danforth:

Further reference is made to your letter of March 26, 1979, addressed to Mr. Daniel P. Leary, Director, Claims Division, concerning the claim of _____ for reimbursement of certain travel expenses. In light of the additional information provided by your constituent, you request that we review our prior decision B-191588, January 2, 1979, which allowed in part and denied in part _____ claim for reimbursement of travel expenses and restoration of annual leave.

In response to a request for an advance decision from a certifying officer of the Internal Revenue Service, our Office held in decision B-191588 that _____ was entitled to reimbursement of certain travel expenses and recredit of annual leave where he was ordered by his agency to return from a vacation point to appear as a witness in a criminal trial. However, we also held that there was no authority to reimburse _____ for his wife's travel expenses or for the "value" of his lost vacation, and we found no basis upon which to allow recredit for any additional hours of annual leave.

The additional information provided by _____ consists of three documents, two memoranda written by Mr. Orlin M. Kompelien and an affidavit signed by _____. With regard to the memoranda written by Mr. Kompelien, we must point out that these documents were forwarded to our Office by the certifying officer and were a part of the record before us in the preparation of our decision.

The remaining document provided by _____ is his affidavit stating that he was first notified on May 12, 1977, that a trial had been scheduled. In our decision B-191588 we did question whether it was unforeseen that _____ would be called to testify in court and whether _____ was actually notified of the trial date prior to May 12, 1977. However, we resolved these doubts in favor of the employee by permitting reimbursement of his return travel expenses. We do not believe that Mr. _____ affidavit provides a basis to

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allow the remainder of his claim, that is, his wife's travel expenses, the "value" of his lost vacation, and the recredit of additional hours of annual leave. Therefore, we must sustain our prior decision.

We regret that our determination is not more favorable to your constituent.

Sincerely yours,

R.F.KELLER

(Deputy) Comptroller General
of the United States

bc: Director, Claims Division