



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: John H. Skinner

File: B-260895

Date: February 22, 1996

DIGEST

1. An employee who performed temporary duty travel rented an apartment at the temporary duty site and was required to pay a tenancy fee as a move-in fee. That expense may be reimbursed as a nonrefundable lodging cost under sections 301-7.1(c)(1)(i) and 301-7.14(a)(1) of the Federal Travel Regulation. Valerie E. Taylor, B-257744, Feb. 9, 1996.
2. An employee who performed temporary duty travel used his government credit card to pay for his lodging. He was charged a credit card fee by the landlord equal to 5 percent of the rental charge. Section 301-9.1(e) of the Federal Travel Regulation (1994) authorizes expenses not enumerated in sections 301-9.1(a) through (d) to be reimbursed when necessarily incurred by the traveler while transacting official business. Since section 301-15.44 of the Federal Travel Regulation directs employees to use government issued credit cards "to the maximum extent possible," and the use was for the benefit of the government, the employee may be reimbursed the credit card fee.

DECISION

This decision responds to a request from an authorized certifying officer, National Finance Center, United States Department of Agriculture (USDA),¹ concerning the entitlement of an employee to be reimbursed a tenancy initiation fee and a credit card fee incident to the performance of long-term temporary duty in 1994. We conclude that both expenses are reimbursable under the Federal Travel Regulation (FTR), for the following reasons.

Mr. John H. Skinner, an employee of the USDA, Forest Service, stationed in Nevada City, California, was assigned to long-term temporary duty in San Francisco, California, in May 1994. He rented an apartment on a month-to-month lease at a cost of \$2,000 a month. Besides the rent, he was charged a security deposit of \$200

¹Ms. Sandra S. Williams—Reference FSD-1 RJP.

and a nonrefundable tenancy fee of \$100. He also was charged a credit card fee equal to 5 percent of the total rental charge (\$115) because he paid for his lodging with his government credit card.

Mr. Skinner's travel expenses were reimbursed except the tenancy fee and the credit card fee. The National Finance Center disallowed those two items because they could not find any provision in the Federal Travel Regulation (FTR) which would allow payment.

OPINION

In our decision Valerie E. Taylor, B-257744, Feb. 9, 1996, we considered the issue of reimbursing an employee who incurred a "tenancy fee" while performing temporary duty travel under similar circumstances. We ruled that a tenancy fee expense may be treated as a lodging cost under the provisions of sections 301-7.1(c)(1)(i) and 301-7.14(a)(1) of the FTR.² Therefore, Mr. Skinner may be reimbursed that expense as well.

Concerning the credit card fee imposed on Mr. Skinner, section 301-9.1 of the FTR³ enumerates in subsections (a) through (d) various miscellaneous expenses that may be reimbursed an employee while performing official business. Subsection (e) thereof, authorizes agencies to approve other miscellaneous expenses not enumerated in (a) through (d), when in the agency's judgement those expenses were "necessarily incurred by the traveler in connection with the transaction of official business." We have distinguished between miscellaneous expenses incurred by an employee not enumerated in subsections (a) through (d) which inure to the employee's personal benefit and those expenses that inure to the government's benefit. We have held that where an employee incurs a miscellaneous expense incident to performing temporary which does not directly benefit the government, the employee may not be reimbursed that cost under section 301-9.1(e) of the FTR.⁴

Government credit cards are issued to individual employees under authority of section 301-15.44 of the FTR.⁵ Subsection (c)(1) thereof provides that the charge

²41 C.F.R. §§ 301-7.1(c)(1)(i) and 301-7.14(a)(1) (1995).

³41 C.F.R. § 301-9.1 (1995).

⁴Anthony B. Queern, B-247084, Aug. 6, 1992 (renters insurance); Patricia A. Pierce, B-246829, May 18, 1992 (child care); and D. Jan Black, B-247345, May 12, 1992 (increased health care cost).

⁵41 C.F.R. § 301-15.44 (1995).

card shall only be used to charge expenses incurred in connection with official travel and directs that the employee "shall use the charge card to pay for official travel expenses to the maximum extent possible." That subsection also provides that the employee shall be reimbursed for all authorized and allowable travel and transportation expenses, including, for example, charges imposed for making ATM withdrawals.

In the present case, the fee charged Mr. Skinner was imposed solely because he used his government issued credit card to pay for his rental charges. In view of the language of the FTR that directs that the credit card be used to the maximum extent possible, and since he incurred the charge while performing official travel for the government's benefit and it did not inure to his benefit, the agency may reimburse Mr. Skinner for the \$115 charged for use of the card.

/s/Seymour Efros
for Robert P. Murphy
General Counsel