



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Inspector General, Department of Veterans Affairs

File: B-270403

Date: September 11, 1996

DIGEST

In reimbursing its employees for local travel mileage, Office of Inspector General (OIG) did not deduct normal commuting expenses contrary to departmental policy. GAO concludes that OIG is "employing agency" for purposes of exercising administrative discretion over local travel reimbursement. See 59 Comp. Gen. 605 (1980). Hence, mileage payments made to OIG employees under its policy were proper payments and need not be collected back.

DECISION

The Inspector General, Department of Veterans Affairs, has requested our decision on whether certain local travel reimbursement payments were proper. For the reasons that follow, we conclude that the payments were proper.

BACKGROUND

Pursuant to the Inspector General Act, the Department of Veterans Affairs (VA) Office of Inspector General (OIG) has independent personnel authority. Inspector General Act of 1978, as amended, 5 U.S.C. App. 3, § 6(a)(7) (1994). OIG appropriations have also been exempt from a specific limitation on travel expenses. See, e.g., Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act of 1995, § 501, Pub. L. No. 103-327, 108 Stat. 2298, 2332 (1994). These provisions are intended to ensure the independence of OIG operations from controls which could undermine the Inspector General's ability to exercise statutory oversight of the Department.

From July 1987 through December 1994, OIG reimbursed its employees for local travel mileage pursuant to a separate OIG policy which provided in pertinent part:

"Reimbursable mileage for local travel will be based on the lesser of mileage from official duty station to local work site or residence to local work site."

OIG Policy and Procedures Manual, Part I, Chapter 9, Paragraph 21(b) (July 1987) (emphasis added). During this same time, the VA had a different policy. Its local travel mileage policy allowed reimbursement for travel from residence to temporary duty site only for those expenses in excess of the employee's normal daily commuting costs to the permanent duty station. VA Manual MP-1, Part II Chapter 2, Paragraph 8(m) (February 28, 1995 reissuance of identical provision in effect since November 1984).

Because the OIG policy did not deduct the normal commuting expenses of the employee, OIG employees who requested full mileage reimbursement on their travel voucher received reimbursement for local travel which was equal to or less than their normal commuting expenses. Had these employees not worked in the OIG, reimbursement would have been limited under the VA policy to those expenses that exceeded the normal commuting expenses. As an example, an OIG employee was paid \$3 for mileage from the temporary work site to the employee's residence. Because the employee normally commuted 32 miles one-way from official duty station to residence, the payment for the 12-mile trip from the temporary duty station would not have been reimbursed under the VA policy.

After OIG became aware of the different reimbursement standards in 1994, it amended its policy in December 1994 to conform to the VA policy for the sake of consistency and administrative convenience.

In the absence of any Comptroller General decisions on point, the Inspector General asks whether the payments for local travel made to OIG employees before the change in policy in December 1994 were proper since they were contrary to VA's travel policy. The Inspector General submits that, because of its special independence within the department, the OIG should be considered the "employing agency" for purposes of exercising its discretion over reimbursement of local travel mileage.

OPINION

The established rule is that an employee must travel between his residence and his regular place of work at his own expense. 32 Comp. Gen. 235 (1952). When an employee is assigned to a nearby temporary duty post, it is within administrative discretion to allow mileage without deduction for normal commuting expenses, but employing agency officials may refuse to authorize reimbursement for such expenses if no additional travel costs are incurred or may limit reimbursement to such additional costs. Brian E. Charnick, B-184175, June 8, 1979. Thus, in Howard M. Feuer, 59 Comp. Gen. 605 (1980), we stated that the determination to limit reimbursement for travel to a temporary duty station is within the discretion of the employing agency and that we would not question an agency's decision to limit such reimbursement. See 36 Comp. Gen. 795 (1957).

The question posed by the Inspector General is whether his office may be considered to "employing agency" for the purpose of exercising administrative discretion over local travel reimbursement.

We believe that the Office of Inspector General is the employing agency for purposes of the rule stated above. The evident purpose of the Congress in enacting the Inspector General Act of 1978 was to establish independent and objective units within each department to conduct audits and investigations of its programs and operations and to prevent and detect fraud and abuse therein. Public Law 95-452, § 2, Oct. 12, 1978, 92 Stat. 1101. Each Inspector General was given independent personnel authority. *Id.* § 6(a)(7). As pointed out by the VA Inspector General, his office is exempt from a specific limitation on travel expenses. Public Law 103-327, § 501.

For these reasons, we conclude that the Office of Inspector General is the "employing agency" for the purpose of exercising administrative discretion over travel reimbursement policy within the limits authorized by the government-wide Federal Travel Regulations issued by the General Services Administration.

Accordingly, the payments made to OIG employees under its separate policy for local travel mileage prior to December 1994 were proper payments and need not be collected back.

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