

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

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FILE: **B-183291**DATE: **JUN 16 1975**MATTER OF: **Sherman D. Knight - Claim for travel expenses****DIGEST:**

Deduction of \$37.50 from employee's claim for travel costs incurred due to overnight stop en route via air from Port Angeles, Washington, to Grand Canyon, Arizona, is correct. Federal Travel Regulations do not provide for rest stops, regardless of length of travel, when travel is within the continental United States, and this Office has never approved rest stops unless travel during normal periods of rest is involved.

This action is a request by an authorized certifying officer of the Pacific Northwest Region, National Park Service, Department of the Interior, for a decision on the propriety of certifying for payment a claim of \$37.50 representing per diem in lieu of subsistence and taxi-cab fare which was deducted from the travel voucher submitted by Mr. Sherman D. Knight, an employee at Olympic National Park.

The record shows that Mr. Knight traveled under Travel Authorization number TA950050086 from Port Angeles, Washington, to Grand Canyon, Arizona, and return, to attend a seminar which began on October 7, 1974. Mr. Knight was authorized average cost of a night's lodging plus \$12 en route to and from Grand Canyon and a fixed rate of \$12 while at Grand Canyon. Travel was to begin on or about October 6, 1974.

Mr. Knight actually departed on Saturday, October 5, 1974, leaving Port Angeles by Pearson Airlines at 6 a.m., arriving in Seattle at 7 a.m., and then departing Seattle at 10:30 a.m. by Western Airlines, arriving at Las Vegas at 1:59 p.m. Mr. Knight stayed overnight in Las Vegas and departed on Sunday, October 6, 1974, for Grand Canyon arriving at 3:30 p.m. The return trip from Grand Canyon to Port Angeles was accomplished in one day leaving Grand Canyon October 11, 1974, at 12:30 p.m., with several stops en route and arriving in Port Angeles at 10:45 p.m.

Utilizing airline schedules in effect at the time of the trip, Mr. Knight could have departed from Port Angeles on Sunday, October 6,

1974, at 6:30 a.m. via Western Airlines, arriving at Seattle at 7 a.m., then departed from Seattle at 10:30 a.m., arriving at Las Vegas at 1:59 p.m., and (by commuter flight) departed from Las Vegas at 5 p.m., arriving at Grand Canyon at 6:30 p.m.

Thirty-seven dollars and fifty cents was deducted from the amount claimed on Mr. Knight's travel voucher as a disallowance of per diem and taxi fares in Las Vegas. The certifying officer concluded that the early departure was for the employee's personal convenience. Mr. Knight objects to this deduction as it indicates that he should have traveled for approximately 13 hours on Sunday, October 6, 1974, to reach Grand Canyon. He contends the layover should not be considered a personal convenience but instead a stopover required for a reasonable length working day.

There are no provisions in the Federal Travel Regulations, FPMR 101-7, which provide for rest stops while an employee is traveling within the continental United States. With respect to travel outside the United States, FPMR 101-7, para. 1-7.5(e), states:

"Time changes during air travel. When an individual travels direct between duty points which are separated by several time zones and at least one of the duty points is outside the conterminous United States, per diem entitlement is not interrupted by reason of a rest period allowed the individual en route or at destination under appropriate agency rules."

Although there is no general rule with respect to stopovers for rest stops on long air flights, each case must be determined on its own merits /see B-164709, August 1, 1968/. This Office has never approved payment for a rest stop unless travel during normal periods of rest is involved. The length of time required for travel between two points is not the determining factor as to whether a rest stop will be permitted. The determining factor is the hours of the day at which the employee must travel. See B-164709, supra.

FPMR 101-7, para. 1-7.5(d), limits per diem to the time period required for "uninterrupted travel by a usually traveled route." However, this Office does not consider the regulation to require travel during normal hours of rest if sleeping accommodations are unavailable. See B-181363, August 23, 1974; B-164709, supra; B-128736, August 3, 1956. If sleeping accommodations are available

or if night travel is not involved, per diem for a rest stop is not permitted. See B-135092, March 10, 1958.

The instant case did not involve travel outside the United States so the significant time zone change exception is not applicable, nor did it involve night travel as is required by our decisions. The journey could have been completed in one day with an arrival time of 6:30 p.m. The circumstances of this case do not indicate that a rest stop is permissible. Federal Travel Regulations, FPMR 101-7, paras. 1-2.5(b) and 1-7.5(d), indicate that the costs of travel interrupted for the convenience of the employee are to be borne by the employee. We find no basis to question the determination of the certifying officer that the stopover was for the convenience of the employee. As stated, there are no provisions in the Federal Travel Regulations which permit interruption of travel for rest stops when air travel begins and ends within the continental United States. Furthermore, this Office in construing the regulations has never permitted an employee to delay travel unless travel during normal periods of rest is involved. Accordingly, the deduction of \$37.50 as determined by the certifying officer is correct.

R.F. KELLER

Deputy Comptroller General
of the United States