

DOCUMENT RESUME

G0769 - [A0400528]

[Per Diem for Relocation Travel]. B-187186. November 23, 1976. 4 pp.

Decision re: Kenneth G. Buss; by Robert F. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Forest Service.

Authority: 5 U.S.C. 5701-5709. 46 Comp. Gen. 425. B-163654 (1971). F.T.R. (FPMR 101-7), para. 2-2.3d(2). F.T.R. (FPMR 101-7), para. 1-11.5a.

A transferred employee of the Forest Service claimed per diem payments on a travel voucher which did not include details on leave and time of departure and return to duty. Federal travel regulations require claims to be itemized; the agency may require employee to submit reports for each day traveled. (ITW)

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DECISION



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

FILE: B-187186

DATE: November 23, 1976

MATTER OF: Kenneth G. Buss - Per Diem for Relocation Travel

- DIGEST:**
1. Transferred employee claimed per diem on travel voucher which stated only date of departure from old station, date of arrival at new station, and allowable travel time based on miles between stations divided by 300 miles per day. Payment of per diem must be suspended since voucher does not meet requirements of FTR para. 1-11. 5a which specifies that taking of leave and exact hour of departure from and return to duty status be recorded.
 2. Compliance with FTR para. 1-11. 5a (May 1973) which specifies voucher requirements, is not waived by FTR para. 2-2. 3d(2), which fixes maximum allowable per diem on basis of minimum driving distance of 300 miles per day, since latter provision is for application when it appears from properly executed and documented voucher that traveler failed to maintain prescribed minimum mileage.
 3. Because employing agency has discretion to charge transferred employee for excess time consumed by employee's failure to travel on any day, agency may require employee to submit accurate time and attendance reports for each day traveled.

This action is in response to a request dated August 10, 1976 from Ms. Orris C. Huet, an authorized certifying officer of the Department of Agriculture, for our decision concerning a voucher submitted by Mr. Kenneth G. Buss for per diem in lieu of actual subsistence for the period during which he and his family were traveling incident to a change of his official duty station.

The record indicates that Mr. Buss, an employee of the Forest Service, was authorized to travel by privately owned vehicle from Portland, Oregon to Elkins, West Virginia in connection with his transfer. In support of his claim for per diem, Mr. Buss has

submitted a travel voucher which indicates that he left Portland, at 9 a. m. on June 6, 1975 and arrived at Elkins, West Virginia at 2 p. m. on June 29, 1975. His claim for per diem is based on his claimed mileage divided by the minimum daily mileage of 300 miles required by para. 2-2.3d(2) of the Federal Travel Regulations (FPMR 101-7) (May 1973). This yields an "allowable travel time" of 9.6 days. He thereupon claims per diem for 9 3/4 days for himself and his family, and states that the balance of the travel period should be charged to annual leave. Mr. Buss has charged leave for 11 days en route: June 6, June 9-13, and June 16-20, 1975.

The Forest Service contends that the claim may not be certified for payment due to Mr. Buss' failure to submit a detailed voucher indicating the taking of leave and the exact hour of departure from and return to duty status, as required by FTR paragraphs 1-11.5a(2)-(3). The agency concludes that these specific requirements are not waived by FTR para. 2-2.3d(2), cited above by the claimant. We are therefore asked by the certifying officer whether the claimant may be paid per diem solely on the basis of dividing the total mileage between duty stations by 300 miles to calculate the allowable travel time, or whether the claimant must be required to state on the voucher the date and time that direct travel was interrupted and that leave began or ended.

Regulatory authority for reimbursing certain relocation expenses of Government employees is found in chapter 2 of the Federal Travel Regulations. Paragraph 2-2.1 thereof provides that allowances for per diem in lieu of subsistence shall be permitted in accordance with the provisions of 5 U. S. C. §§ 5701-5709 and chapter 1 of the FTR. To avoid any violation or apparent violation of the Federal Travel Regulations, FTR para. 1-11.1 requires the claims of travelers for reimbursement to accurately reflect the facts involved in every instance. For this reason, FTR para. 1-11.3a (May 1973) requires all claims to be itemized and stated in accordance with the regulations, unless for special reasons compliance has been waived or modified by the written determination of the Administrator of General Services. With respect to the preparation of vouchers, FTR para. 1-11.5a (May 1973) provides as follows:

"(2) Leave of absence. When leave of absence of any kind is taken while an employee is in a travel status, the exact hour of departure from and return to duty status must be shown on the travel voucher.

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"(3) Indirect-route travel. The travel voucher should set forth the details of the expenses actually incurred, the hour of departure from post of duty, and the hour of arrival at place of duty. Where leave has been taken while in travel status, the date and time that leave began and terminated should be shown."

Further, para. 1-11.5b(1) provides that the voucher must state the exact period for which per diem is claimed.

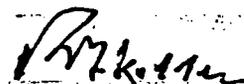
As noted above, Mr. Buss relies on the provisions of FTR para. 2-2.3d(2) which fix the maximum allowable per diem on the basis of a minimum driving distance of not less than an average of 300 miles per calendar day. We have previously interpreted these provisions as limiting the reimbursement for expenses incurred when traveling to a new station by privately owned automobile to the expenses to which the employee and members of his family would have been entitled had they traveled by a usually traveled route between the old and new stations at the specific distance per day. B-114826, May 7, 1974; B-175436, April 27, 1972. This rule is for application when it appears from a properly executed and documented travel voucher that the traveler failed to maintain the prescribed minimum of 300 miles per calendar day over a usually traveled route between the old and new duty station. The rule, therefore, does not create an exception to the requirements of the FTR para. 1-11.5 with respect to vouchers. Accordingly, an employee seeking reimbursement must comply with the regulations requiring detailed and specific indications on the voucher of departure from travel status. The formula for computation of per diem suggested here by the claimant does not satisfy these requirements.

Since the voucher in question did not set forth the hours when Mr. Buss departed from travel status for the time during which he took leave en route, as required by FTR para. 1-11.5, the travel voucher submitted does not comply with the Federal Travel Regulations. In this regard, FTR para. 1-11.7 (May 1973) provides that items in travel vouchers which are not stated in accordance with those regulations shall be suspended, and requires full itemization of all suspended items which are reclaimed. Accordingly, no amount of the claimed expenses may be reimbursed here until the requisite information is submitted on a properly executed voucher.

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We have been further asked whether Mr. Buss should be required to submit a corrected time and attendance report to show the actual dates and times on which leave was taken. In this connection, we have held that an employee is required to proceed without delay as expeditiously as he would if traveling on personal business, even though he may be required to travel on nonworkdays. 46 Comp. Gen. 425, 426 (1966); B-163654, June 22, 1971. Thus, an employee may not be paid per diem for any day, including nonworkdays, during which he did not travel, in the absence of justifiable delay. B-163654, supra. Further, we have held that although leave may not be charged for nonworkdays, an employing agency has the discretion to charge or not to charge an employee annual leave for excess time consumed in travel on workdays by failure to travel on the weekend. B-163654, June 22, 1971. Accordingly, the claimant here may be required to submit a corrected time and attendance report for each calendar day during which he traveled indicating the dates and time spent in leave status.

Accordingly, the voucher is returned herewith and may be processed only in accordance with this decision.


Deputy

Comptroller General
of the United States