

DOCUMENT RESUME

02282 - [A1372355]

[Travel Expenses Relating to Veterans Administration Physical Examination]. H-188012. May 10, 1977. 3 pp.

Decision re: Gus C. Ford; by Paul G. Deabling (for Elmer B. Staats, Comptroller General).

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

Contact: Office of the General Counsel: Civilian Personnel.
Budget Function: General Government: Central Personnel Management (805).

Organization Concerned: Federal Home Loan Bank Board; Veterans Administration.

Authority: 5 U.S.C. 5702(b); F.T.R. (FPMR 101-7), para. 1-7.5b. 49 Comp. Gen. 794. 44 Comp. Gen. 333. 53 Comp. Gen. 582. 39 Comp. Gen. 89. 46 Comp. Gen. 425. Executive Order 5396. F.P.M. Supplement 990-2, Book 630, 511.

June S. Long, an Authorized Certifying Officer of the Federal Home Loan Bank Board, requested an advance decision regarding an employee's claim for travel expenses or per diem relating to his return from his temporary duty station to his official duty station in order to take a Veterans Administration physical examination. There is no authority to pay for such travel since the employee was not incapacitated while serving on temporary duty or while returning to his official station, and since the examination was not primarily for the benefit of the Government. The employee was entitled to use annual or sick leave or leave without pay for the examination; administrative leave will not be granted. (Author/SC)

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DECISION



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

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FILE: B-188012

DATE: May 10, 1977

**MATTER OF: Gus C. Ford - Travel expenses relating to
VA physical examination**

DIGEST: 1. Employee on temporary duty away from official duty station returned to duty station in order to take VA physical. There is no authority to pay travel expenses or per diem for such travel since the employee was not incapacitated while on temporary duty and returning to his official station. Furthermore, the examination did not relate to his fitness for duty and was not primarily for the benefit of the Government.

2. Employee who undergoes VA physical is entitled under Executive Order 5396 to use annual or sick leave or leave without pay for the examination. It would not be within the discretion of the agency to grant administrative leave for the examination or for related travel.

This action is in response to a request for an advance decision from Ms. June S. Long, an authorized certifying officer of the Federal Home Loan Bank Board (FHLBB), concerning the voucher of Mr. Gus C. Ford, an FHLBB employee, for certain travel expenses. Mr. Ford claims mileage and per diem in connection with his returning from temporary duty away from his official duty station in order to undergo a Veterans Administration (VA) physical examination.

The record indicates that while on temporary duty in Augusta, Georgia, Mr. Ford left Augusta at 2 p.m. on April 20, 1976, and returned to his residence in Decatur, Georgia. The following day, April 21, 1976, Mr. Ford took sick leave while he underwent a VA physical examination, and that evening he returned to his temporary duty station. Mr. Ford has claimed his mileage from his temporary duty station to his residence and the return trip (total 308 miles) and one-quarter day per diem for his return trip on April 21, 1976. The submission from the agency states that Mr. Ford claims these expenses because this was a "Government Physical" and he is a 10-point preference eligible disabled veteran who is required to undergo periodic physical examinations by the VA. The FHLBB questions the propriety of paying the travel expenses claimed and the appropriateness of charging the employee sick leave under these circumstances.

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Under the authority of 5 U.S.C. 5702(b)(1970) and the implementing regulations contained in the Federal Travel Regulations (FTR), para. 1-7.5b (FPMR 101-7)(May 1973), an employee who is traveling on official business away from his designated post of duty and who becomes ill or incapacitated not due to his own misconduct is entitled to per diem and transportation expenses to return to his designated post of duty. However, as stated in 49 Comp. Gen. 794 (1970), it is clear that such an absence from duty must be not reasonably within the control of the employee and not be considered part of his normal medical needs to be attended to at his designated post of duty. It does not appear that Mr. Ford was incapacitated while at his temporary duty station as contemplated under the statute and regulations.

Our Office has also allowed travel expenses and per diem when travel is required in connection with an employee's physical examination but only where the examination is necessary in connection with the employee's position (fitness for duty) and where it is primarily for the benefit of the Government. See 49 Comp. Gen. 794, *supra*. The travel performed in the present case does not appear to be related to an examination as to Mr. Ford's fitness for duty but rather to his eligibility for disability compensation as a veteran, a matter personal to the employee and not related to official business. Accordingly, there appears to be no authority for the payment of Mr. Ford's travel expenses (mileage) under these circumstances. In addition, per diem would not be authorized for Mr. Ford's return trip to his temporary duty station on April 21, 1976, since he was on leave during his normal hours of duty that day. See FTR para. 1-7.5a(1).

Accordingly, the voucher may not be certified for payment.

The agency questions whether administrative leave should be granted instead of sick leave. We note that there are no general regulations governing excused absences without charge to leave (commonly called administrative leave) but that the various purposes for which administrative leave has been granted are mentioned in FPM Supplement 990-2, Book 630, S11. See also 53 Comp. Gen. 582 (1974) and 44 *id.* 333 (1964). Administrative leave for the purpose of taking a VA physical is not specifically recognized in the FPM or our decisions, and we have been informally advised that it is neither specifically mentioned nor excluded in FHLBB regulations on administrative leave.

Instructions are contained in Executive Order 5396, July 17, 1930, as to the types of leave that may be granted a disabled veteran in need of medical treatment and provides as follows:

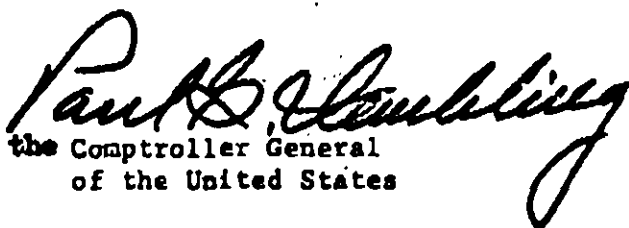
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"SPECIAL LEAVES OF ABSENCE TO BE GIVEN
DISABLED VETERANS IN NEED OF MEDICAL
TREATMENT"

"With respect to medical treatment of disabled veterans who are employed in the executive civil service of the United States, it is hereby ordered, that upon the presentation of an official statement from duly constituted medical authority that medical treatment is required, such annual or sick leave as may be permitted by law and such leave without pay as may be necessary shall be granted by the proper supervisory officer to a disabled veteran in order that the veteran may receive such treatment, all without penalty in his efficiency rating."

Since the Executive order limits the type of leave that may be granted a disabled veteran in need of medical treatment we are of the opinion that the agency may not substitute administrative leave for periods of medical treatment. Cf. 39 Comp. Gen. 89 (1959).

The agency also questions whether leave should be charged for the period from 2 p.m. to the close of business (presumably 3 hours) on April 20, 1976, when Mr. Ford left his temporary duty station to return to his residence prior to his physical examination. Since we have concluded that travel expenses would not be allowable when such travel was not essential to the transaction of official business, it would be within the discretion of the agency to charge appropriate leave for traveltime involving personal convenience travel. See 46 Comp. Gen. 425 (1966).


For the Comptroller General
of the United States