

DOCUMENT RESUME

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[Reimbursement of Taxi Fare to Office]. B-188786. June 24, 1977.
4 pp.

Decision re: Ronald T. Hester; by Robert F. Keller, Deputy
Comptroller General.

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

Contact: Office of the General Counsel: Military Personnel.

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

Organization Concerned: Department of the Navy: Navy Regional
Finance Center, Washington, DC.

Authority: 37 U.S.C. 408. 48 Comp. Gen. 124-126. B-183225
(1975). B-182986 (1975). 1 J.T.R., para. B4504. P.T.R. (PPMR
101-7), para. 1-2.3e.

Reimbursement was sought for a Navy member who used a
taxi to get to his duty station. As a general rule, travel
between residence and place of duty is not considered travel on
official business, but rather is the personal responsibility of
the member. That his "regularly scheduled duty hours" were
outside normal duty hours did not alter the conclusion. The
claim was denied. (Author/DJM)

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DECISION



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

FILE: B-188786

DATE: June 24, 1977

MATTER OF: JO3 Ronald T. Hester, USN

DIGEST: As a general rule, travel between a member's residence and place of duty is not regarded as travel on official business within 37 U.S.C. 408 (1970) but is the personal responsibility of the member. An exception to that rule, provided by paragraph M4504, Volume 1, Joint Travel Regulations, does not authorize reimbursement of a taxi fare incurred by a member who normally drove his car to work but had to take a taxi one day because his car would not start and no public transportation was available. The fact that his "regularly scheduled duty hours" were outside normal duty hours does not change this conclusion.

This action is in response to letter dated February 9, 1977 (FMP/FFC 4650 (M)), with enclosures, from the Disbursing Officer, Navy Regional Finance Center, Washington, D.C. 20371, requesting an advance decision on reimbursement of a taxi fare from the member's home to the place where he performs assigned duties in the case of JO3 Ronald T. Hester, USN, in the circumstances described. The request was forwarded here by endorsement dated April 1, 1977, from the Per Diem, Travel and Transportation Allowance Committee and has been assigned PDTATAC Control No. 77-11.

The member, while assigned to permanent duty on the staff of the Chief of Information, U.S. Navy (CHINFO), Pentagon, Washington, D.C., was required to report at 6:30 a.m., Saturday, January 15, 1977, for a scheduled duty day. It appears that the member used a taxi to get to his duty station at the Pentagon from his home in Falls Church, Virginia, which was Navy leased housing, because he was unable to start his automobile and public transportation was not available at that early hour. The member requested that he be reimbursed for the \$9 taxi fare and the \$1 tip for a total of \$10.

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The normal working hours for personnel, other than Press Briefers, attached to CHINFO are 8 a.m., until 4:30 p.m., Monday through Friday. We are informed, however, that all enlisted members assigned to CHINFO are required to "stand duty" outside the normally established working hours on a regularly scheduled basis.

The disbursing officer indicates that doubt exists on the legality of payment of the claim in the situation cited because a regularly scheduled watch or duty day, even though outside normal working hours, is considered a part of the member's regular duty, and thus, is performed during his regular duty hours. In addition, an endorsement from the Office of the Chief of Naval Personnel questions whether the cost of using a taxicab would be reimbursable if a member were dependent on public transportation on a daily basis for travel between his home and regular place of business, when he is required to stand duty outside of the normally established working hours.

Section 408 of title 37, United States Code (1970), provides for reimbursing a member of a uniformed service for the cost of transportation necessary in the conduct of "official business" within the limits of his station. It is the general rule that travel between the member's residence and his place of duty at his permanent duty station is not in ordinary cases regarded as travel on official business but is the personal responsibility of the member. See 48 Comp. Gen. 124, 126 (1968). However, paragraph M4504, Volume 1, Joint Travel Regulations (1 JTR), contains an exception to that rule in that it authorizes reimbursement of taxi fares for travel between the permanent station work location and home if three conditions are met, namely: (1) the member is officially ordered to perform duty outside of his regular duty hours. (2) the member is dependent on public transportation for such travel, and (3) the travel is during hours of infrequently scheduled public transportation or darkness.

The adoption of paragraph M4504, 1 JTR, was intended to provide for military personnel the same authority for reimbursement of taxi fares as provided for civilian

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employees of the Government in such unusual circumstances since the legislative history of 37 U.S.C. 408 indicated that its purpose was to allow payment to members of the uniformed services for those traveling expenses on the same basis as permitted for civilian employees. See 48 Comp. Gen. 124, supra.

Neither 1 JTR, paragraph M4504, nor the similar regulation applicable to civilian employees on which paragraph M4504 was based (now paragraph 1-2.3e, Federal Travel Regulations, FPMR 101-7, May 1973), provide for Government payment for home to work travel merely because the member's or employee's regularly scheduled working hours are outside the normal or usual working hours. See B-183225, October 21, 1975, and B-182986, February 19, 1975. Instead, it is our view that the purpose of those regulations is to permit reimbursement of taxi fares when an employee or member is officially ordered to perform duty outside of his regular duty hours, and the other provisions of the regulations are met. 48 Comp. Gen. 124, 125, supra.

In the present case the duty involved was part of the member's regularly scheduled duty, although it was apparently outside the normal working hours for some others attached to CHINFO. It appears that when his turn for that duty watch arrived, he normally drove his car to work but on the day in question it would not start and he was forced to take a taxi instead. The facts that his car may have become inoperable on a particular day when he was required to perform regularly scheduled duty and no public transportation was available are not sufficient to allow reimbursement under paragraph M4504 of 1 JTR.

Our decision would probably not be different if the member were in fact dependent on public transportation on a daily basis for travel between his home and duty station. In either situation the travel is in connection with the member's regular work tour at his permanent station since the standing of a regularly scheduled "duty watch" although outside normal office hours is not "incident to officially ordered work outside of regular working hours."

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However, should such question arise it may be submitted here for consideration based on the particular facts involved.

Accordingly, the member's claim may not be allowed. Payment on the voucher enclosed with the submission is not authorized and it will be retained here.

Proketter
Deputy Comptroller General
of the United States