



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

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B-187198

February 28, 1978

Subject Code

The Honorable Jay Solomon
Administrator, General Services
Administration

Dear Mr. Solomon:

Because of your responsibility over Federal travel matters, we suggest that you consider recommending legislation to allow Federal agencies to pay the emergency travel expenses of employees who are required to return from travel assignments because of death or serious medical emergency in the immediate family.

At the present time, an officer or employee of the Government, who sustains the loss of a family member and is compelled therefor to abandon a temporary duty assignment away from home, must personally assume the travel expenses of returning home. Similarly, the same burden exists when a family member of a Government employee becomes seriously ill or injured. This has resulted in inequities and in some instances extreme financial hardship for Government officers and employees.

Section 5702(a) of title 5, United States Code (1976), provides as follows:

"(a) Under regulations prescribed under section 5707 of this title, an employee while traveling on official business away from his designated post of duty * * * is entitled to (1) a per diem allowance for travel inside the continental United States at a rate not to exceed \$35 * * *."

The language of the statute, "while traveling on official business," has required the prohibition of an allowance for per diem in lieu of subsistence to an employee and of the cost of transportation back to the employee's permanent duty station for funeral services or other personal emergencies since such travel is considered to be of a personal nature. See 47 Comp. Gen. 59 (1967); 45 id. 299 (1965); 32 id. 571 (1953); 23 id. 237 (1943); and similar decisions.

Prior to the act of April 26, 1950, ch. 108, 64 Stat. 89 (now codified at 5 U.S.C. § 5702(b)), there was likewise no provision

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entitling an employee traveling on official business to receive per diem and transportation expenses to return to his post of duty if he became incapacitated due to illness or injury. Such legislation was necessary since decisions of this Office had held that such travel was personal and not compensable.

We believe that it is inequitable to require an employee to pay the costs of travel to his home and return to his temporary duty station upon the serious illness or injury, or death of a member of his immediate family since his absence from his home results from the Government's action. Therefore, it is our opinion that an amendment to the Travel Expense Act, Chapter 57 of title 5, United States Code, is desirable to correct this situation. Such an amendment would reimburse the additional travel expenses incurred by employees who, through no fault of their own, find themselves away from home on official business at a time of emergency. For the reasons stated we believe that legislation to correct this problem deserves the consideration of the Congress.

Reimbursement for emergency travel is an accepted practice in private industry for employees on temporary duty away from home. It is also authorized for employees of the Foreign Service and several other agencies while stationed abroad under 22 U.S.C. § 1136(1) and other statutes. We believe that the same benefit should be extended to Federal civilian employees stationed within this country and on temporary duty away from their homes.

We would appreciate any comments or suggestions you may have on this proposal. Our Office of General Counsel is available to assist your staff on this matter.

Sincerely yours,
James B. Steele

Comptroller General
of the United States