

DOCUMENT RESUME

03823 - [B2934191]

[Reconsideration of Claims for Mileage and Per Diem]. B-183468.
October 18, 1977. 3 pp.

Decision re: Gilbert C. Morgan; by Robert F. Keller, Acting
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.

Authority: 55 Comp. Gen. 1323. B-157760 (1965). B-176650 (1973).
Federal Home Loan Bank Board Travel Policy Memorandum A-312,
p. 3.

A Federal employee requested reconsideration of a
decision disallowing his claims for mileage and per diem
incident to temporary duty. The claims were allowable since
additional evidence showed that the employee did not have a
residence in Oklahoma City, Oklahoma, his official duty station,
as indicated in the records used for the prior decision.
(Author/SC)

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DECISION



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

FILE: B-183468

DATE: October 18, 1977

MATTER OF: Gilbert C. Morgan - Reconsideration of
claims for mileage and per diem

DIGEST: Decision 55 Comp. Gen. 1323 (1976) dis-
allowed two mileage claims incident to
employee's temporary duty because record
showed his residence was at Oklahoma City,
Oklahoma, his official station, although
he had home in Ponca City, Oklahoma, 103
miles distant. Employee, who is in travel
status up to 80 percent of the time, has
submitted evidence that he rented motel
room on daily basis only when he worked
in Oklahoma City. Claims are now allow-
able since additional evidence shows that
employee did not have "residence" in
Oklahoma City within the meaning of the
Federal Travel Regulations (FPMR 101-7,
May 1973).

This decision is in response to a request by Mr. Gilbert C. Morgan, an employee of the Federal Home Loan Bank Board (FHLBB), that we reconsider our decision in Matter of Gilbert C. Morgan, 55 Comp. Gen. 1323 (1976) which involved Mr. Morgan's claims for mileage and per diem incident to temporary duty.

At the time we rendered our decision the record showed that Mr. Morgan, whose duty station was in Oklahoma City, Oklahoma, maintained a residence in Ponca City, Oklahoma, which is approximately 103 miles north of Oklahoma City. The record also indicated that he had a residence at his headquarters, and commuted to work from his residence in Oklahoma City, visiting Ponca City on weekends. Mr. Morgan, who was a Savings and Loan Examiner with the FHLBB, was in travel status up to 80 percent of the time. Agency regulations limited mileage when an employee had a residence 25 miles beyond the corporate limits of the employee's official station. Our decision denied Mr. Morgan mileage and per diem in connection with certain temporary duty assignments. However, Mr. Morgan states that he had no residence in Oklahoma City from which he commuted to work on weekdays and asks us to review our decision.

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Mr. Morgan states that when he was on duty in Oklahoma City he stayed exclusively at one of various motels on a daily basis and paid the commercial rate. He also states that he never left any kind of personal property at a motel when he was not a paying guest. Since the original submission did not show Mr. Morgan's Oklahoma address, we asked FHLBB for additional information. We were advised that the agency does not have any evidence which would indicate that Mr. Morgan had established, during the period in question, a residence at his official duty station in Oklahoma City. When an employee is in a travel status a majority of the time, we do not consider the renting of a motel room on a daily basis, when he performs work at his official station as constituting a "residence" within the meaning of the Federal Travel Regulations (FPMR 101-7, May 1973). See B-157760, November 16, 1965. Cf. B-176650, February 28, 1973.

An examination of Morgan, supra, indicates that the agency regulations were proper for the reasons stated therein. Therefore, we affirm Morgan except to the extent that the question of Mr. Morgan's residence was relevant to his entitlement. In this connection a review indicates that our present determination as to residence requires only two changes.

The voucher which had been submitted by Mr. Morgan indicates that on Friday, September 27, 1974, he arrived at the Oklahoma City Airport en route to his residence from a temporary duty trip. He traveled by privately owned automobile from the airport to his residence in Ponca City, 103 miles north of his official duty station, Oklahoma City. He claims 62 miles of reimbursable mileage for this trip.

Federal Home Loan Bank Board Travel Policy Memorandum A-312, at page 3, effective February 1, 1970, defines "official station" as the employee's "residence if within the designated official station or a point not exceeding 25 miles from the corporate limit of the designated official station nearest the employee's residence."

Accordingly, the agency computes the mileage entitlement of an employee who does not maintain a residence within the designated "official station" by measuring the distance between the destination or origin of the trip and a point 25 miles from the corporate limits of the city in the direction of the employee's residence (hereinafter "25-mile point").

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The record now shows that Mr. Morgan's residence was in Ponca City, Oklahoma, 103 miles north of Oklahoma City. Therefore, as suggested in the original submission, the allowable mileage under the agency's "25-mile point" rule is 48 miles (10 miles from the airport to the center of the city, 13 miles from the center of the city to the outer corporate limits and from the corporate limits to the "25-mile point").

Mr. Morgan's travel voucher also shows that he returned on October 18, 1974, from his temporary duty station in Lawton, Oklahoma, to Ponca City. In accordance with the agency regulation, discussed above, the allowable mileage is the distance from Lawton to the "25-mile point."

The agency should prepare a supplemental voucher in favor of Mr. Morgan in accordance with the above.

Ray Kiffin
Acting Comptroller General
of the United States