

DECISION

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

FILE: B-213340

DATE: April 4, 1985

MATTER OF: Seymour Epstein

DIGEST: An Army employee who was unaware of the general prohibition against use of travel agents purchased coach-class air transportation for official travel from a travel agent. He may be reimbursed for transportation costs which would have been incurred if he had obtained his transportation directly from the carrier. In view of the requirement to purchase such transportation using a Government Transportation Request, his reimbursement is limited to the lower fare available for transportation procured with a Government Transportation Request since evidence does not establish that his failure to obtain a Transportation Request was for reasons beyond his control.

Mr. Epstein requests reconsideration of our decision Seymour Epstein, B-213340, February 23, 1984, which limited reimbursement for official, coach-class, air travel he purchased through a travel agent at a cost of \$472 to the \$278 special fare that would have been available if he had purchased the ticket directly from the airline with a Government Transportation Request. In asking that we reconsider his claim for the \$194 difference, Mr. Epstein argues that under the particular circumstances he could not have obtained a Government Transportation Request. Because the record does not establish that Mr. Epstein failed to obtain a Transportation Request for reasons beyond his control, our decision of February 23 is affirmed.

Mr. Epstein is an employee of the Department of the Army whose permanent duty station is Fort Monmouth, New Jersey. On May 14, 1982, he was issued a travel authorization for a 6-day trip to Los Angeles, California. For his air travel scheduled to begin 2 days later, he purchased a round-trip ticket through a travel agent at the regular coach rate.

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In disallowing the \$194 amount by which the coach fare Mr. Epstein paid exceeded the fare available under a Transportation Request, we stated in our decision of February 23 as follows:

"An employee is generally prohibited from using travel agents to procure passenger air transportation within the United States. 4 C.F.R. § 52.3 (1983), and Volume 2, Joint Travel Regulations (2 JTR), para. C2207. However, if an employee is not aware of the prohibition he may be reimbursed in an amount not to exceed the cost which would have been incurred if transportation had been purchased directly from the carrier. 2 JTR para. C2207-4, and Matter of Ward, 60 Comp. Gen. 445 (1981). Mr. Epstein states that he was unaware of the prohibition, and his agency apparently agrees because it allowed reimbursement to the extent of the cost which would have been incurred had the transportation been procured directly from the air carrier.

"Mr. Epstein, in claiming the additional \$194 which he was not reimbursed, contends that the regular coach fare which he paid was the lowest fare available even if he had procured his transportation directly from the carrier. However, the lower special Government fare, the basis his agency used for reimbursement, would have been available if he had used a Government transportation request to procure his transportation directly from the carrier. The travel agent was unable to use this fare when the reservation was booked because travel agents are not authorized to issue or use Government transportation requests. But, Mr. Epstein could have obtained a Government transportation request through his agency's travel office and procured the transportation directly from the carrier by use of that request."

Mr. Epstein states that the above analysis fails to take into account his statements indicating that he could not have obtained a Government Transportation Request. He

notes, in addition, that none of the regulations cited require the use of a Government Transportation Request and he states that it is his understanding that if he had not used a travel agent but had purchased the same airline ticket using his own credit card, there would be no question of his entitlement to full reimbursement.

As indicated in the first paragraph quoted above, the rule applicable to those, like Mr. Epstein, who unknowingly violate the prohibition against use of travel agents is the same as the rule applicable to an employee who purchases transportation directly from a carrier. Reimbursement in either case is limited to the cost that would have been incurred if the employee had purchased the transportation using a Government Transportation Request, unless the employee's failure to use a Transportation Request is in accordance with applicable regulations. Mr. Epstein was required to use a Transportation Request. Joint Travel Regulations, Vol. 2, paras. C2250 and C2252 (Change No. 195, January 1, 1982). And the following provision of the Joint Travel Regulations would have applied in Mr. Epstein's case, even if he had purchased the air transportation using his own credit card:

- "3. WHEN TRANSPORTATION REQUESTS ARE AVAILABLE BUT NOT USED AND TRANSPORTATION COSTS EXCEED \$100.** When transportation requests are available but due to conditions beyond the control of the traveler they were not utilized, reimbursement of the actual cost of authorized travel and accommodations is authorized. In all other cases, when transportation requests are available but not used and the cost of commercial transportation purchased by the traveler exceeds \$100, reimbursement will be allowed not to exceed the cost to the Government for authorized transportation and accommodations had a transportation request been used." Joint Travel Regulations, Vol. 2, para. C4704-3 (Change No. 170, Dec. 1, 1979).

Thus, Mr. Epstein may be reimbursed for the full cost of the coach fare he paid only if conditions beyond his control prevented his use of a Government Transportation Request.

Mr. Epstein claims that he was unable to obtain a Government Transportation Request under the conditions existing at the time of his travel. In earlier correspondence with his travel section, Mr. Epstein explained:

"* * * The rush to put the travel papers together at the last minute, the heavy work load in the office, the traveller's misunderstanding of the clerical personnel, the traveller's desire to relieve pressure on everyone including the clerical personnel, and the traveller's need for time to do work in preparation for the meeting before leaving the office, all brought this situation about. * * *"

In appealing from the February 23 decision, Mr. Epstein has provided additional reasons why he could not have obtained a Government Transportation Request:

"1. The agency transportation office location is 4.8 miles from our office.

"2. SATO is colocated and for all practical purposes integrated with the agency transportation office. Had I been able to obtain a GTR, I would have called SATO in the first place and SATO would have taken the GTR and written the ticket.

"3. Messenger service to and from the transportation office is reliable only under ideal conditions; delays, usually caused by transportation not typing the paperwork (for the GTR) until the last possible time, are common facts of life.

"4. Whenever not receiving one's tickets on time is at a risk, travelers (including myself) always drive to transportation and SATO, at the loss of one or more hours.

"5. Drop off boxes for transportation orders at a few locations do not alleviate the situation, nor do transportation substations, which have not been implemented.

"6. Clerical staffs frequently assist higher-graded people and supervisors, who do not have blanket travel orders, by getting their tickets and hand carrying papers for signatures for short-notice travel.

"7. Our office clerical staff concerned with travel responsibilities was too busy to afford me such assistance, and such assistance was not directed by the supervisor. They are concerned with other things."

We recognize that Mr. Epstein's travel authorization was not issued until 2 days before his travel was to commence and that he had only a single workday within which to obtain a Government Transportation Request. We also recognize that, under the circumstances, there would have been a certain amount of inconvenience involved in obtaining a Transportation Request. However, we do not believe that the information Mr. Epstein has furnished establishes that his failure to obtain a Government Transportation Request was for reasons beyond his control. There is nothing to indicate that he could not have taken the time necessary to obtain a transportation request.

Since it appears that the reasons for Mr. Epstein's failure to obtain a Government Transportation Request for use in obtaining airline tickets related to convenience and work priorities rather than to something which was beyond his control, the decision of February 23, 1984, is affirmed and reimbursement is limited to the special Government fare.

Harry D. Van Cleave
for Comptroller General
of the United States