

10/22/1985
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DECISION



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

FILE: B-217691

DATE: July 31, 1985

MATTER OF: David J. Dossett - Relocation Travel -
Use of Two Privately Owned Vehicles

DIGEST:

An employee received an inter-agency transfer from Alaska to Oklahoma. He was authorized to use two privately owned vehicles (POV), as his and his family's mode of personal transportation. His claim for mileage for the second POV was disallowed based on 5 U.S.C. § 5727 (1982), which precludes the overseas shipment of more than one POV. Under para. 2-2.3 of the Federal Travel Regulations, the use of one or more POVs, in lieu of other approved modes of personal transportation, may be authorized as advantageous to the government. Thus, the mileage claim for the second POV may be allowed since second POV use for personal travel was approved and such POV use was their only mode of transportation.

This decision is in response to a request from the Chief, Division of Financial Management, Office of Surface Mining, United States Department of the Interior. It concerns the entitlement of one of its employees to be reimbursed the cost of travel by two privately owned vehicles incident to an inter-agency transfer in April 1984. We conclude that he is entitled to be reimbursed for the use of both vehicles.

FACTS

Mr. David J. Dossett was an employee with the Department of the Army, stationed in Anchorage, Alaska. In early 1984 he accepted a position with the Office of Surface Mining, Department of the Interior. By travel authorization dated April 23, 1984, issued by the Office of Surface Mining, Mr. Dossett was authorized to effect a permanent change of station from Anchorage, Alaska, to his new duty station, Tulsa, Oklahoma. Item 17 of that authorization specified that he and his family were

permitted to use two privately owned vehicles (POV) as their mode of personal transportation in lieu of other modes of transportation. According to Mr. Dossett, he was authorized to use his second POV because neither of his POV's (a Mazda and a Chevrolet pickup) was adequate to accommodate his family and luggage.

Following his reporting for duty with the Office of Surface Mining in Tulsa, Oklahoma, he submitted his travel voucher claiming mileage for both POV's. The mileage claim which related to the use of his second POV was administratively disallowed, based on the provisions of 5 U.S.C. § 5727 (1982). Mr. Dossett appealed that disallowance. Upon agency submission here, it was administratively suggested that in addition to 5 U.S.C. § 5727, our decision John Patrick Reeder, B-188391, December 16, 1977, further supports disallowance. We do not agree.

DECISION

The laws governing reimbursement for employee expenses incident to a transfer of official duty station are contained in 5 U.S.C. §§ 5724 and 5724a (1982). Among the various expenses authorized are the costs of transporting an employee and his immediate family to his new duty station.

Part 2 of Chapter 2, Federal Travel Regulations, (FTR), incorp. by ref., 41 C.F.R. § 101-7.003 (1984), provides the rules governing basic entitlement to per diem, travel and transportation allowances for employees performing permanent change-of-station transfers. As we stated in decision Gary E. Pike, B-209727, July 12, 1983, the thrust of these provisions is to permit the employee and the members of his immediate family to travel at government expense from the old station to the new duty station by such means as are authorized by the employing agency.

Under FTR, para. 2-2.3, the use of POV's in connection with a permanent change-of-station move may be authorized when determined to be advantageous to the government, with the authorized use of one or more POV's to be in lieu of other otherwise approved modes of transportation. However,

the allowable costs for that travel may not exceed the costs of travel by the usually traveled route from the old station to the new station by the mode of travel authorized. Pike, cited above.

As the foregoing applies to Mr. Dossett's case, his basic travel entitlement under these provisions is that he and each member of his immediate family was authorized to perform a single one-way trip to his new permanent duty station at government expense through the use of two POV's as their personal mode of transportation.

While none of the provisions cited above authorize the transportation of a motor vehicle, 5 U.S.C. § 5727 authorizes employees who are transferred from outside the continental United States to transport one motor vehicle in addition to and independent of the personal travel and transportation expenses of an employee and his immediate family.

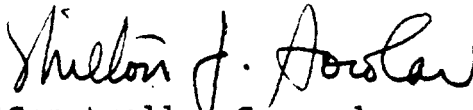
In decision John Patrick Reeder, cited above, we considered a situation where an employee, transferred from Alaska to Maryland, was authorized to use two POV's as his and his family's mode of transportation. However, not all of their travel was by POV. It appeared that one segment of their travel was by rail. For that portion of the journey, they shipped their POV's by rail and made a claim for both their personal rail fare and the companion cost of shipping both POV's by rail. The rail travel for the employee and his family for that portion of the journey was determined to be an appropriate mode and, thus, reimbursable, as was the cost of shipping one POV by rail. However, the cost of shipping the other POV the same distance by rail was disallowed. It was determined that since one POV had already been shipped at government expense, that exhausted their POV shipment rights under 5 U.S.C. § 5727 (1982), with regard to shipping the other POV the same distance at the same time.

That is not the situation in the present case. Mr. Dossett was authorized the use of two POVs as his and his immediate family's mode of personal transportation. We understand that the POV use was their only mode of transportation to his new duty station. Although the

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use of a second POV as an authorized mode of personal transportation effectively resulted in the transportation of that vehicle as though it was an otherwise properly transportable item, that is not the focus of FTR, para. 2-2.3. So long as its use for personal travel purposes is approved in lieu of other modes of travel and transportation, and so used, reimbursement for a second POV is authorized on a mileage basis at the rates prescribed in FTR, para. 2-2.3b. Compare Clifford R. Nelson, B-192231, February 5, 1979.

Accordingly, Mr. Dossett may be reimbursed the mileage costs attributed to his second POV, if otherwise correct.

for 
Comptroller General
of the United States