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DECISION



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

FILE: B-220104

DATE: August 4, 1986

MATTER OF: Gerald S. Mathews - Liability for Indirect
Travel - Foreign Service Travel Regulations

DIGEST:

1. State Department employee was authorized home leave pending reassignment. Consultation at State Department, Washington, D.C., was authorized prior or after home leave provided expenses may not exceed that which would have been incurred had consultations occurred after home leave. Foreign Service Travel Regulations require all official travel be performed directly by "usually traveled route" which is one or more routes essentially the same in cost and traveltime. Employee elected to perform home leave after consultations in Washington, D.C. Therefore, his claim for reimbursement for actual travel expenses is denied since he is limited to constructive cost of direct travel from Washington, D.C., to new duty station in Mexico City, Mexico.

2. State Department employee was transferred from Tijuana, Mexico, to Mexico City, Mexico, with home leave en route and consultations at State Department. Baggage handling claim cannot be allowed as it was incident to travel segment found not to be authorized but for the personal convenience of employee. Additionally, reimbursement for passport photographs for family members cannot be allowed where family members did not participate in relocation travel. Further, claim for long distance telephone calls to shipping agent, American Embassy in Mexico City, and to State Department may be paid if proper agency official after reexamination determines calls were for official business.

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Gerald S. Mathews, a State Department employee with a family, was transferred from Tijuana, Mexico, to Mexico City, Mexico, with home leave authorized en route at Las Vegas, Nevada, and consultations at State Department, Washington, D.C. The employee's family did not accompany him to Mexico City. Since travel orders limited travel reimbursement to cost had home leave been taken before consultations in Washington, D.C., and since employee did not begin home leave travel until after consultations in Washington, D.C., employee's reimbursement is necessarily limited to constructive reimbursement of transportation which would have been incurred by traveling on a usually traveled route between Washington, D.C., and Mexico City, Mexico. When a traveler deviates from a usually traveled route for personal convenience, the traveler must bear the extra expense for the portion of the journey which is by an indirect route. This decision sustains a denial of Mr. Mathews' request for additional reimbursement for relocation travel made by our Claims Group on April 10, 1985.

BACKGROUND

Under travel orders dated December 28, 1981, Mr. Mathews and his family were authorized to transfer from Tijuana, Mexico, to his new post in Sydney, Australia, with approved home leave en route at Las Vegas, Nevada. In addition Mr. Mathews alone was authorized consultation days at the State Department, Washington, D.C., after home leave. However, his orders provided that the "actual consultation in the Department may be performed prior, during, or after home leave provided that the cost to the Government may not exceed that which would have been involved for travel and related expenses had such consultation been performed as authorized," after completion of home leave. In fact, Mr. Mathews' itinerary included travel from San Diego, California, on January 5, 1982, by train, with a connection in Los Angeles, California, and a stopover in New Orleans, Louisiana, arriving in Washington, D.C., for consultations on January 9, 1982. While in Washington, D.C., for consultations and training, Mr. Mathews was advised that his substitute new assignment would not be Sydney, Australia, as provided by his travel orders but that his new assignment had not as yet been determined. Mr. Mathews departed Washington, D.C., on

February 6, 1982, for his home leave having completed training and consultations but without knowing the location of his new duty assignment. Mr. Mathews departed Washington, D.C., by train arriving in Chicago, Illinois, for an 8-day visit with his mother. He departed Chicago by train on February 18, 1982, and arrived in Las Vegas on February 20, 1982, for home leave. While on home leave, and reportedly on approximately March 15, 1982, Mr. Mathews received notice from the State Department that his new assignment would be Mexico City, Mexico. This was confirmed by amended travel orders sent by electronic mail dated April 16, 1982, and reportedly received by Mr. Mathews on April 19, 1982. On May 6, 1982, Mr. Mathews concluded his home leave and departed Las Vegas for Mexico City, Mexico, utilizing a combination of train, ship, and air conveyances with connections in Los Angeles, California, and Puerto Vallarta, Mexico, before arriving in Mexico City on May 10, 1982. This itinerary included travel aboard the S.S. Santa Maria from Los Angeles to Puerto Vallarta during the period of May 6-10, 1982.

The authorized certifying officer approved reimbursement for Mr. Mathews' train travel from San Diego to Las Vegas and from Las Vegas to Washington, D.C., via Chicago--although actually traveled in reverse--as direct travel to home leave destination and to Washington, D.C., for consultation and training. The certifying officer noted, that, although Mr. Mathews' travel orders allowed him to take home leave before, during, or after his consultations at the State Department, his reimbursement must be restricted to an amount not to exceed "that which would have been involved for travel and related expenses had such consultation been performed" after home leave was completed. Had Mr. Mathews completed his home leave prior to his consultation and training in Washington, D.C., he would have been expected to travel directly from Washington, D.C., to his new duty assignment wherever it ultimately turned out to be. In Mr. Mathews' case, it ultimately became Mexico City although, as noted above, initially it was to be Sydney, Australia. Mr. Mathews argues that such direct air travel from Washington to Mexico City would have been impossible without an additional return trip to Washington, since he was on home leave when he received a notice of assignment to Mexico City.

ANALYSIS

The Foreign Service Act of 1980, 22 U.S.C. § 4081 (1982), gave the Secretary of State the authority to prescribe regulations for the payment of specified relocation expenses for Foreign Service Officers. The regulations implementing 22 U.S.C. § 4081 are the Foreign Service Travel Regulations published in 6 FAM, which covers travel and relocation expenses for all Foreign Service Officers and employees of State, AID, and USIA.

In setting forth the requirement for "direct travel," paragraph 131.2 of 6 FAM states that all official travel must be by a usually traveled route. The definition of a "usually traveled route" is set out in paragraph 117v of 6 FAM as follows:

"v. Usually Traveled Route

"One or more routes which are essentially the same in cost to the Government and in travel time. Selection of usually traveled routes will depend on the authorized mode or combination of modes * * *."

In delineating the responsibility of a traveler for extra expenses incurred as a result of indirect travel, and in defining the limitations on reimbursement for costs incurred on that portion of a trip which is traveled by indirect route, paragraphs 131.3-1 and 131.3-2a provide as follows:

"131.3 Indirect Travel

"131.3-1 Personal Responsibility of Traveler for Extra Expenses

"When a traveler deviates from a usually traveled route for personal convenience, the traveler must bear the extra expense for the portion of the journey which is by an indirect route or for accommodations superior to those authorized. Transportation request forms are issued only for official travel.

"131.3-2 Limitations on Reimbursement

"a. Reimbursement for costs incurred on that portion of the journey which is traveled by indirect route is limited to the total cost of per diem, incidental expenses, and transportation by less than first-class air accommodations (regardless of mode of travel used in indirect travel, * * * which would have been incurred by traveling on a usually traveled route."

Therefore, although Mr. Mathews' travel orders arguably allowed him to travel the routes he selected, his travel orders do make clear that he cannot be reimbursed on the basis of having traveled these routes because such reimbursement would exceed the cost of direct travel from Washington, D.C., to Mexico City, Mexico. In addition, paragraphs 114 and 115 of 6 FAM provide:

"114 Payment of Official Travel Expenses

"In accordance with the provisions of law and these regulations, Foreign Service employees and the members of their family are entitled only to actual and necessary expenses incurred in the performance of official travel. Travelers are expected to make a conscientious effort to minimize costs of official travel and to assume costs of a personal nature and any additional expenses incurred for personal convenience.

"115 Responsibility of Traveler

"Employees and their dependents traveling under official travel authorizations are expected to use the most direct and expeditious routes consistent with economy and reasonable comfort and safety. By the same token, employees are expected to exercise good judgment in the costs they incur for all official transportation expenses as if they were personally liable for payments."

Reimbursement in accordance with Mr. Mathews' route selection would clearly be inconsistent with the obligation

outlined above since he elected, for personal reasons, to take home leave after his consultation in Washington. As the above quoted provisions found in paragraphs 131.3-1 and 131.3-2 make clear, when a traveler deviates from a usually traveled route for personal convenience, the traveler must bear the extra expense for the portion of the journey which is by an indirect route. Reimbursement for costs incurred on that portion of the journey which is traveled by indirect route is limited to the total cost of per diem, incidental expenses, and transportation by less than first-class air accommodations (regardless of mode of travel used in indirect travel) which would have been incurred by traveling on a usually traveled route. In addition, leave is charged for any excess traveltime.

The fact that Mr. Mathews was not notified of his change of duty station until he was on home leave in Las Vegas is irrelevant since he had already elected to take such leave after his Washington consultation. Thus, his maximum constructive basis (Washington to final duty station) had already been established at that time. Accordingly, Mr. Mathews' claim for actual expenses in lieu of constructive expenses is denied.

Mr. Mathews also requests reconsideration of the denial of his claim for \$14 for baggage handling incident to his voyage aboard the S.S. Santa Maria from Los Angeles to Puerto Vallarta during the period of May 6-10, 1982; \$41.35 for long distance telephone calls made during the period of March 15-25, 1982, while on home leave; and \$7.50 incurred for dependents' passport photographs.

Since reimbursement for Mr. Mathews' actual travel expenses aboard the S.S. Santa Maria is not reimbursable for the reasons explained above, the baggage handling charges also may not be reimbursed.

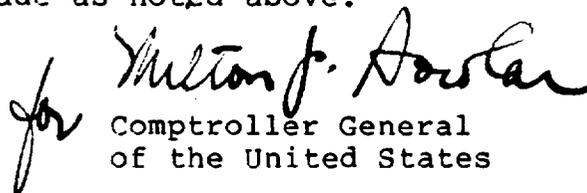
Additionally, paragraph 141h, 6 FAM, provides reimbursement for passport photographs when actually incurred and necessary. However, since Mr. Mathews' dependents did not accompany him on his relocation travel, their passport photograph expenses would not be reimbursable since they were not necessarily incurred. Although Mr. Mathews points out that his wife did accompany him to Mexico City in September 1982 for the purpose of pick up and delivery of his privately-owned vehicle, necessitating the use of her passport with photograph, we note that this travel was not incident to his relocation travel in May 1982.

Under 31 U.S.C.A. § 1348(b) (1982), appropriated funds are available only for long distance telephone calls made in the transaction of public business. That section requires the head of an agency or his designee to certify that such calls are necessary in the interest of the Government before payment for such calls is made.

Our Office has held that section 1348(b) imposes on the appropriate agency official the responsibility to determine, after investigating all of the facts involved in a given situation, whether a long distance call was on public business and was necessary in the interest of the Government. 56 Comp. Gen. 28 (1976); 44 Comp. Gen. 595 (1965). We will not substitute our judgment for that of the official designated under section 1348(b) because the agency official is in a better position than we are to examine the facts involved in each case and determine whether a call is in the interest of the Government. Dr. Stuart T. Brown, B-197266, September 22, 1980, and cases cited therein.

The record before us does not indicate that a properly designated official has made a determination that Mr. Mathews' calls were official in nature. However, we note that the denial was apparently made by a certifying officer when his voucher was first presented. Since that date Mr. Mathews has presented further information explaining the nature of his telephone calls, and we further note that the calls were to the State Department, U.S. Embassy, and the Dispatch Agent, who we presume handled Mr. Mathews' household goods. Thus, an authorized approving official should reexamine the calls to be certain that the facts support the determination made. If, upon reexamination, the approving official determines that the calls were in fact official business, we would not object to payment.

Accordingly, reimbursement for Mr. Mathews' travel from Washington, D.C., to Mexico City, Mexico, will be limited to transportation by less than first-class air accommodations. Action should be initiated by the State Department to recoup from Mr. Mathews the transportation cost of \$720 paid by Government Travel Request for the voyage aboard the Delta Lines S.S. Santa Maria from Los Angeles to Puerto Vallarta. A reexamination of the phone calls should be made as noted above.


Comptroller General
of the United States