



The Comptroller General
of the United States

Washington, D.C. 20548

Lirkpatrick

Decision

Matter of: Thomas R. Stover

File: B-224092

Date: March 23, 1987

DIGEST

The employee's wife, who resided at the new duty station and was not involved in the employee's change of station, traveled to the old duty station for the purpose of driving the employee's car to the new duty station since the employee was driving a rental truck to transport his household goods. There is no entitlement to mileage and per diem for his wife's travel since her residence was at the new duty station and she was not officially relocating or performing permanent change-of-station travel, and thus was not a person entitled to travel at Government expense. Also, mileage may not be paid as a cost of transporting the automobile because there is no statute specifically authorizing transportation of the automobile within the continental United States at Government expense.

DECISION

This decision is in response to a request for an opinion on whether an employee may be paid mileage and reimbursed expenses for the transportation of his privately owned automobile incident to a change of duty station. The automobile was driven by the employee's wife who was not relocating in connection with the change of station.^{1/} The employee is not entitled to the claimed mileage and expenses.

Mr. Thomas R. Stover transferred from San Francisco, California, to Kansas City, Missouri, in February 1986. He was authorized to move under the commuted rate system and he rented a truck to transport his household goods, which he drove from San Francisco to Kansas City. His wife,

^{1/} The Assistant Secretary for Administration and Management, Department of Labor, requested our decision.

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who resided in Kansas City, traveled to San Francisco and then drove his automobile from San Francisco to Kansas City. Although Mr. Stover had been authorized mileage for use of his privately owned automobile as well as per diem to travel from San Francisco to Kansas City, he received only per diem since he drove the rented truck instead.

The Department of Labor denied the claim for per diem and mileage for Mr. Stover's wife, because the privately owned automobile was not used in authorized relocation travel from San Francisco to the new duty station in Kansas City. She was not officially involved in that relocation, since she had never accompanied Mr. Stover in his earlier transfer to San Francisco but had maintained a residence in Kansas City. The Department of Labor considered her travel expense to Kansas City to be the cost of transporting the automobile, an expense which could not be reimbursed under statute or regulation.

DISCUSSION

Mr. Stover's automobile was not used for permanent change-of-station travel for himself or for a dependent who was entitled to travel at Government expense. In connection with a transfer, the use of a privately owned vehicle is deemed advantageous to the Government so as to justify mileage reimbursement only "[w]hen an employee with or without an immediate family * * * uses a privately-owned automobile for permanent change of station travel." See Federal Travel Regulations, para. 2-2.3 (Supp. 1, September 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1985). We have held that an employee traveling with his family to the new duty station in a rented truck, transporting his household goods and towing his privately owned automobile, is not entitled to mileage for the towed automobile. Eldon E. Strine, B-183974, November 14, 1975. One of the reasons for the disallowance of the claim in that case was failure to satisfy the requirement in FTR para. 2-3.3 that the vehicle be actually used "for permanent change of station travel." Mr. Stover was the only individual authorized to travel and, regardless of what alternative arrangements he might have made, the automobile was not used for his travel. There is no basis to pay mileage and per diem for his wife, since she did not accompany him when he was transferred to San Francisco and, therefore, he is not entitled to Government payment of her transportation costs when he was transferred back to Kansas City. As a result there is no basis for paying mileage with respect to the

transportation of the vehicle because it was not used to transport anyone who was entitled to transportation at Government expense.

It is important to note that for the purposes of this case, the relocation involves only one individual, the employee. He moved his household goods under the commuted rate system. Since he opted to drive the rental truck himself, his transportation to his new station was accomplished by this means. Whether he hired an individual to drive his car or secured this service free of charge has no bearing on his entitlement since as a matter of fact he did not operate or ride in his privately owned vehicle to his new station. We have repeatedly held that when the privately owned vehicle is not actually used for the transportation of the employee or his dependents (his wife, although a dependent, was not entitled to payment of transportation costs from San Francisco to Kansas City), reimbursement on a mileage basis is not authorized. See Matter of Huai Su, B-215701, December 3, 1984; Matter of Gary E. Pike, B-209727, July 12, 1983; B-176224, July 27, 1972; and B-172235, August 10, 1971.

Further, payment of the mileage as an expense to transport the automobile is not permissible. Section 5727(a) of title 5, United States Code, provides that an authorization in a statute or regulation to transport the personal effects of an employee at Government expense is not, unless specifically authorized by statute, an authorization to transport an automobile. We are unaware of any statute specifically authorizing the shipment of Mr. Stover's automobile at Government expense between San Francisco and Kansas City.

Shelton J. Norstan
for Comptroller General
of the United States