



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Dr. Francis G. Stehli -- Travel Expenses

File: B-225352

Date: September 21, 1987

DIGEST

A member of the Energy Research Advisory Board was issued a round-trip airline ticket for travel to attend a 3-day Board meeting in Seattle which was due to end on a Friday afternoon. His return flight to his home in Oklahoma City was scheduled for Saturday. When the meeting ended several hours earlier than anticipated on Friday, he decided to return to Oklahoma City that afternoon on a different airline at an additional cost of \$223. Because he unilaterally altered the approved travel schedule, his reimbursement for the additional expense incurred is limited by the constructive cost of the approved travel. His claim for \$223 may be paid only in the amount he would originally have been allowed that Friday and Saturday if he had not departed from Seattle earlier than scheduled.

DECISION

An authorized certifying officer of the Department of Energy requests a decision on the question of whether Dr. Francis G. Stehli, a member of the Energy Research Advisory Board, may be reimbursed \$223 he paid in cash for airfare related to his attendance at a Board meeting. In the described circumstances, he may be reimbursed on a limited, constructive-cost basis.

FACTS

Dr. Stehli was Dean of the College of Geosciences at the University of Oklahoma and a member of the Energy Research Advisory Board when the Department of Energy asked him to travel from Oklahoma City, Oklahoma, to Seattle, Washington, to attend a quarterly meeting of the Board on Wednesday, Thursday, and Friday, August 14, 15, and 16, 1985. He received no compensation for his services, but was authorized reimbursement of his travel expenses.

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The agency arranged for a round-trip ticket to be issued to Dr. Stehli for travel on Frontier Airlines and scheduled his return travel from Seattle for Saturday, August 17. When the meeting ended several hours earlier than anticipated on Friday, he decided not to remain overnight in Seattle. Frontier Airlines then informed Dr. Stehli that he could not obtain a reservation for a Friday departure, and he arranged for return transportation that afternoon with another airline. He did not seek agency approval for the new arrangement, but instead exchanged the ticket he had been issued and made an additional out-of-pocket expenditure of \$223 to obtain a new ticket from the other airline.

Recognizing that the \$223 cash ticket purchase exceeded the General Services Administration's (GSA) \$100 limit for non-emergency cash purchases of passenger transportation services, the Energy Research Advisory Board requested GSA to approve the cash transaction under 41 C.F.R. § 41.203-2. GSA refused to approve payment for the entire amount on the view that the agency's original travel arrangements, which provided for Dr. Stehli's return on Saturday via Frontier, were determined to be most advantageous to the Government, and concluded that any additional cost was the traveler's responsibility.

GSA did, however, recommend partial reimbursement on the following basis:

"Had Dr. Stehli remained in Seattle and departed according to schedule he would have only paid the cost of the overnight stay in a hotel and if necessary his meals.* * * He may be reimbursed up to, but not over, the amount he would originally have been allowed while on travel."

The Department of Energy now requests our review of the conclusions reached by GSA in the matter.

DISCUSSION

Members serving without pay on advisory committees established by the Secretary of Energy when called away from their homes or regular places of business may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by 5 U.S.C. § 5703. See 42 U.S.C. § 7234. Members of advisory committees, generally, have been recognized as being subject to the same travel provisions

and principles as Government employees traveling on official business. Cultural Property Advisory Committee, 64 Comp. Gen. 34 (1984). As such, their travel is subject to the Federal Travel Regulations, FPMR 101-7 incorp. by ref., 41 C.F.R. § 101-7.003 (FTR). Although GSA based its determination on provisions of paragraph 1-2.2b-1 of the FTR, which concerns authorized methods of transportation, we believe reimbursement should be based on consideration of paragraph 1-3.4, which provides:

"b. Reduced rates.

"(1) Use of special lower fares.

"(a) Through fares, special fares, commutation fares, excursion fares, and reduced-rate round trip fares shall be used for official travel when it can be determined before the start of a trip that this type of service is practical and economical to the Government.* * *

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"c. Unequal fares available. * * * when common carriers furnish the same method of travel at different fares between the same points for the same type of accommodations, the lowest cost service shall be used unless use of a higher cost service is administratively determined to be more advantageous to the Government."

We have held that under these provisions of the regulations, an employee must bear the added expense of higher cost airline tickets purchased to obtain an earlier return than scheduled from a temporary duty assignment, in the absence of an agency determination that the higher cost service is more advantageous to the Government. See B-179696, March 18, 1974.

In the present case, no determination was made by the agency that Dr. Stehli's change in itinerary, and use of higher cost airline service than approved, was advantageous to the Government, and we are consequently unable to conclude that he is entitled to full reimbursement of the additional costs he incurred through his unilateral decision to deviate from the approved schedule. In keeping with the general principle that Government personnel may be reimbursed on

a constructive travel basis when they deviate from officially approved travel itineraries, however, we would not object to the implementation of GSA's recommendation that Dr. Stehli be reimbursed in an amount not to exceed the traveling expenses he would have been allowed had he adhered to the approved schedule. Compare, Laxman S. Sundae, B-185652, December 28, 1976; 29 Comp. Gen. 485 (1950), and 6 Comp. Dec. 93 (1899).

for *Harry R. Van Cleave*
Comptroller General
of the United States