

Heitzman



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Nancy Getchel - Cancellation of Special Fare -
Reimbursement for Penalty
File: B-227427
Date: March 23, 1988

DIGEST

Employee may be reimbursed for a \$200 penalty fee assessed by an airline when she cancelled her super-saver ticket, in spite of the fact that the ticket was originally purchased for personal reasons. An initial determination was made by the agency that utilization of a super-saver fare would result in economies to the government, and the charge was caused by the agency and not the employee when it cancelled the employee's temporary duty training assignment and rescheduled it for a later date.

DECISION

This decision is in response to a request by an authorized certifying officer, Bureau of Land Management (BLM), United States Department of the Interior, for an opinion as to whether Ms. Nancy Getchel, a BLM employee, may be reimbursed the \$200 penalty fee assessed to her by an airline because she cancelled her super-saver ticket. For the reasons that follow, we hold that Ms. Getchel may be reimbursed.

BACKGROUND

Ms. Getchel is employed at BLM's Anchorage, Alaska District office. As part of Ms. Getchel's training needs, her supervisor determined that she should attend either of two training courses that were to be held in BLM's Training Center in Phoenix, Arizona. Subsequently, Ms. Getchel was nominated and approved to attend an Electric Systems Short Course to be held February 9-13, 1987. In addition, Ms. Getchel was placed on a waiting list for attendance at the Lands School to be held from February 19 to May 15, 1987. Her travel authorization to Phoenix to the Electric Systems short course was approved, and airline tickets were

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purchased by the agency. Subsequently, the BLM Assistant District Manager approved the purchase of a super-saver fare for Ms. Getchel so she could complete personal business in Albuquerque, New Mexico, en route to the short course in Phoenix. Ms. Getchel then turned in her government airline ticket and purchased a super-saver ticket.

Several weeks later and prior to Ms. Getchel's temporary duty travel, the Anchorage office was notified of a vacancy in the Lands School. The agency decided to substitute another employee for Ms. Getchel and to send her to the Lands School. As a result, Ms. Getchel was charged a \$200 penalty by the airline for cancelling her super-saver ticket.

Both Ms. Getchel's supervisor and the Anchorage BLM District Manager recommend that she be reimbursed for the penalty charge since she was prevented from using her super-saver as a result of a decision made by BLM management. The certifying officer recognizes that this Office has allowed reimbursement in similar circumstances citing to 41 Comp. Gen. 806 (1962). However, he questions whether reimbursement may be made in this case since the super-saver ticket was purchased for personal reasons.

OPINION

The General Services Administration (GSA) is charged with issuing regulations governing the travel of government employees on official business, and has done so in the Federal Travel Regulations (FTR), incorp. by ref., 41 C.F.R. § 101-7.003 (1985). Thus, GSA has issued regulations which encourage the use of special lower fares when it can be determined before the start of a trip that this type of service is practical and economical to the government. See FTR para. 1-3.4b(1)(a) (Supp. 9, May 14, 1984). Further, this Office has held that prior versions of FTR para. 1-3.4b(1) not only permit the use of special reduced rates but actually require a traveler to use them for official travel when it can be determined in advance that it would be advantageous to the government. 54 Comp. Gen. 268 (1974).

The certifying officer is correct when he states that we have ruled on the reimbursement of penalty charges in the form of liquidated damages assessed by an airline against a federal employee who fails to use or cancel confirmed reserved space. We have held that such charges may be paid by the agency concerned if the charges were unavoidable in the conduct of official travel or were incurred for reasons beyond the traveler's control and acceptable to the agency concerned. 41 Comp. Gen. 806, supra.

In this case, the agency approved in advance Ms. Getchel's purchase of a super-saver ticket. Thus, an initial determination was made by responsible officials that Ms. Getchel's utilization of a super-saver fare would result in economies to the government. Further, the charge was unavoidable and was caused by the actions of the agency when it cancelled Ms. Getchel's temporary duty travel for attendance at the Electric Systems Short Course and rescheduled her for attendance at the Lands School. Thus, the cancellation of her reservation and the subsequent penalty would have occurred whether or not Ms. Getchel had purchased the super-saver ticket for personal reasons or solely to reduce the cost to the government.

The reasons for the cancellation are acceptable to the agency since both Ms. Getchel's supervisor and the BLM District Manager recommend that she be reimbursed. Accordingly, we conclude that Ms. Getchel may be reimbursed for the \$200 penalty fee paid as liquidated damages to the airline.

for Milton J. Foster
Comptroller General
of the United States