



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: James R. Shea - Overseas Temporary Duty Travel -
Personal Telephone and Telegram Expenses

File: B-229151

Date: April 14, 1988

DIGEST

An employee performing official travel overseas incurred expenses for several emergency telephone calls and a telegram all of which were personal to him. His claim for reimbursement of these expenses as a travel expense is denied. The Federal Travel Regulations, which are statutorily authorized and have the force and effect of law, provide in paragraph 1-6.4b that such expenses may not be charged to the government nor may they be reimbursed to the employee.

DECISION

This decision is in response to a request from the Director, Division of Accounting and Finance, Nuclear Regulatory Commission (NRC). It concerns the entitlement of one of its employees to be reimbursed for certain telephone and telegram expenses incurred while performing overseas temporary duty travel in a foreign area in March 1987. We conclude he is not entitled, for the following reasons.

BACKGROUND

The employee, Mr. James R. Shea, was authorized temporary duty travel to Moscow and other points within the Union of Soviet Socialist Republics (USSR) during the period from February 25 to March 14, 1987.

On March 6, Mr. Shea received a message through the United States Embassy in Moscow that his father-in-law was seriously ill and that he should call home. He made a telephone call to his wife in Arlington, Virginia, from Kiev that same day to determine his father-in-law's condition and whether he should return home before completing his trip. He made a similar call from Leningrad on March 9. Based on those calls, he decided to remain with his delegation.

041878

Mr. Shea's father-in-law died on March 10. Upon receiving word of his death, Mr. Shea again called home on March 12 and sent a condolence telegram on March 13, 1987. Following his return to the United States, he submitted his travel voucher which included a claim for \$499.55 for the telephone and telegram charges.

Although the agency recognizes that paragraph 1-6.4b of the Federal Travel Regulations (FTR)^{1/} prohibits reimbursement for telephone calls and telegrams that are purely personal in nature, NRC requests authority to reimburse Mr. Shea for these charges based on the unusual circumstances involved. The agency argues that under the provisions of FTR paras. 1-12.4d and e, Mr. Shea could have come home at government expense and, if deemed to be in the interest of the government, could have been returned to his overseas temporary duty location at a substantial expense to the agency. However, the agency contends that because it was in the best interest of the government for him to complete his official travel, Mr. Shea remained with the delegation.

OPINION

The regulations governing the domestic and international travel of non-Foreign Service federal employees are contained in chapter 1 of the Federal Travel Regulations. Paragraph 1-6.4 of the FTR provides in part:

"1-6.4 Official purposes and personal business.

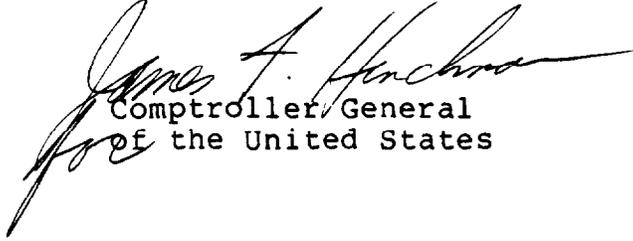
.

"b. Personal business. Telephone calls, telegrams, cablegrams, and radiograms relating to . . . matter[s] of a purely personal nature, must not be made or sent at Government expense, and charges therefor shall not be allowed."

Although Mr. Shea could have been authorized to perform early return travel from the USSR to Arlington, Virginia, because of the family emergency and then resume his overseas travel, that fact is not germane to the question even though the telegrams and telephone calls in lieu thereof were significantly less expensive. Chapter 1 of the FTR governing employee travel--authorized under 5 U.S.C. § 5707--has the force and effect of law and may not be

^{1/} FTR (Supp. 1, Sept. 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1987).

waived or modified by the employing agency or the General Accounting Office, regardless of the unusual circumstances involved. See Charles W. Miller, 60 Comp. Gen. 295 (1981), and decisions cited. Accordingly, since personal telephone calls and telegrams may not be made or sent at government expense, Mr. Shea's claim may not be allowed.2/


Comptroller General
of the United States

2/ Effective January 4, 1988, the Federal Information Resources Management Regulation (FIRMR) has been amended to clarify the permissible and impermissible use of government telephone systems for personal long distance calls. 52 Fed. Reg. 42,292 (1987). These amended regulations do not appear to address the situation in Mr. Shea's case.