

Riedinger



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Charlotte M. Duncan - Temporary Duty - Nonworkday
Travel
File: B-233527
Date: July 26, 1989

DIGEST

An employee, whose duty station and commuting residence were in Lubbock, Texas, was on a temporary duty assignment in Dallas, Texas. She interrupted her assignment to travel to her parents' home in Houston, Texas, for the Thanksgiving Day holiday and for the following weekend. Her claim for the transportation expense to Houston is denied since she did not return to her duty station or place of abode, as required under the Federal Travel Regulations. She may be reimbursed allowable per diem expenses for the holiday and nonworkdays.

DECISION

This decision is in response to a request from the Chief, Accounting Section, Internal Revenue Service - Southwest Region (IRS), Department of the Treasury. It concerns the entitlement of an employee to be reimbursed transportation expenses for voluntary travel away from a temporary duty location over a holiday or weekend. We conclude that the employee may not be reimbursed for the following reasons.

BACKGROUND

Ms. Charlotte M. Duncan, an employee of the IRS, whose official duty station and residence were Lubbock, Texas, was performing temporary duty in Dallas, Texas, during the month of November 1987. On Wednesday, November 25, following completion of training that day, she traveled to Houston, Texas, to stay with her family over Thanksgiving and the following weekend. She returned to Dallas on the evening of Sunday, November 29, to complete her training.

Ms. Duncan claimed reimbursement for her round-trip mileage to Houston. That portion of her travel voucher was disallowed on the basis that the travel was to a place

046082/139200

other than her residence or official duty station. The agency noted that she would be entitled to per diem for the holiday and the following 2-day weekend.

Ms. Duncan has appealed that disallowance.

OPINION

The regulations governing expense reimbursement for voluntary return travel on nonworkdays while performing temporary duty in lieu of per diem at the temporary duty location during the period in question are contained in Chapter 1, Part 7 of the Federal Travel Regulations (FTR), as amended by Supp. 20, May 30, 1986.^{1/} Paragraph 1-7.11 of the FTR provides in part:

"1-7.11 Interruptions of per diem entitlement.

For purposes of this paragraph, the term 'place of abode' means the place from which the employee commutes daily to the official station.

.

"1-7.11a(2) Nonworkdays. Legal Federal Government holidays and weekends or other scheduled nonworkdays are considered nonworkdays. Employees are considered to be in a per diem status except when they return to their official station or place of abode. . . .

.

"1-7.11b Return to official station for nonworkdays.

.

"(4) Voluntary return. When an employee voluntarily returns to his/her official station or place of abode for nonworkdays, the maximum reimbursement for the roundtrip transportation and per diem en route shall be limited to the per diem allowance and travel expenses which would have been allowed had the employee remained at the temporary duty station. . . ."

^{1/} Incorp. by ref. 41 C.F.R. § 101-7.003 (1986).

Under these provisions of the FTR, an employee may be reimbursed transportation expenses only where the employee returns to the official station or place of abode from which the employee commutes daily to the official station. Lewis T. Moore, B-198827, Aug. 3, 1981; James R. Curry, B-208791, Jan. 24, 1983. See also Sarah S. Ivey, B-200262, Jan. 6, 1982. Thus, where an employee on temporary duty travels on nonworkdays to a location other than the official duty station or place of abode, the provisions of FTR, para. 1-7.11b(4) permitting reimbursement of round-trip transportation and en route per diem are not involved.

On the other hand, we have held that the location at which an employee on temporary duty chooses to spend nonworkdays is of no particular concern to the government so long as it does not interfere with the performance of assigned duties. Therefore, the employee may continue to receive per diem unless otherwise restricted under the FTR. Ivey, supra; Moore, supra.

In the present case, Ms. Duncan's official duty station and her place of abode were both in Lubbock, Texas. Since she did not travel there for the holiday and the weekend, her reimbursement is limited to allowable per diem expenses for the nonworkdays as defined in FTR, para. 1-7.11a(2).



Acting Comptroller General
of the United States