



Comptroller General
of the United States
Washington, D.C. 20548

Mr. Cober

Decision

Matter of: William B. Cober
File: B-249930
Date: January 27, 1993

DIGEST

Under the Federal Travel Regulation, 41 C.F.R. § 301-3.3(d)(1) (1992), the government's policy is that employees shall use coach-class or equivalent air accommodations and premium-class air accommodations (such as business or first-class or equivalent accommodations) may be used only under specified circumstances listed in 41 C.F.R. § 301-3.3(d)(3) (1992). In this case, none of the specified circumstances were fulfilled and the employee chose to use business class without authorization. Thus, his claim for reimbursement of the higher business-class airfare is denied.

DECISION

Mr. William B. Cober requests that we reconsider our Claims Group's action which partially denied his claim for reimbursement of travel expenses since he used business class rather than coach class, without authorization, on a return flight from Truk, commencing on January 12, 1991.¹ For the following reasons, we affirm our Claims Group's action and deny Mr. Cober's claim.

Mr. Cober is a Disaster Assistance Employee of the Federal Emergency Management Agency (FEMA), serving under an intermittent appointment in the excepted service. On December 14, 1990, the President declared that a major disaster existed in Truk as a result of Typhoon Owen. On that same day, FEMA contacted Mr. Cober, who was vacationing with his

¹Settlement Certificate Z-2867775, July 29, 1992. The amount of reimbursement which our Claims Group denied is \$513, the difference between the cost of business class and coach class, based on government rates. Also, Truk is now called the State of Chuuk.

family in Hawaii, and directed him to proceed to Truk immediately.²

On January 7, 1991, another FEMA Disaster Assistance Employee erroneously informed Mr. Cober that business-class travel at government expense was permissible for return flights home from the disaster site. On January 8, 1991, without confirming this information with someone who had authority to order travel, Mr. Cober upgraded his airline ticket for his return flight to San Diego, California. Mr. Cober alleges that he was also advised by Truk Travel Unlimited that he had reserved the last available seat. However, FEMA's administrative report states that it was not able to confirm this with Continental Airlines since once a flight is completed, this information is not saved. Furthermore, as FEMA's administrative report notes, since Mr. Cober had changed his reservation from coach class to business class, it would appear that, at least on January 8, 1991, there would have been one coach seat available.

On January 11, 1991, a FEMA employee who had responsibility for travel telephoned Mr. Cober at the Disaster Assistance Center on Truk and advised him that business class travel was not authorized for his return flight home. On January 12, 1991, about 6 hours before his flight was to depart, Mr. Cober received a copy of the relevant travel order which specifically states that "airfare returning from the disaster [in Truk] is coach."³ Later that same day, Mr. Cober boarded the plane for his return flight home, traveling business class despite FEMA's policy at that time prohibiting return travel from disaster sites by business class at government expense. On or about January 23, 1991, FEMA reimbursed Mr. Cober's other travel and transportation expenses, but partially denied his claim for his return flight from Truk by deducting \$513 from the amount which Mr. Cober claimed. This amount is the difference between the cost of business class and coach class, based on government rates.

The Federal Travel Regulation (FTR), 41 C.F.R. § 301-3.3(d) (1992), in relevant part, provides:

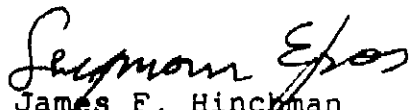
²This was done pursuant to Official Combined Travel Authorization, No. 886, dated December 14, 1990. While this travel order permitted travel by business class to the disaster site on Truk under certain conditions, it clearly stated that reimbursement for airfare returning from the disaster site was limited to coach class.

³Official Combined Travel Authorization, No. 886, dated December 14, 1990, and see also fn. 2, supra.

"(d) Airline accommodations--(1) Policy. It is the policy of the Government that employees who use commercial air carriers for domestic and international travel on official business shall use coach-class or equivalent accommodations. Premium-class air accommodations (such as business or first-class or equivalent accommodations) may be used only as permitted in paragraph (d) (3) of this section."

Under this FTR provision, the government's policy is that employees shall use coach-class or equivalent air accommodations and premium-class air accommodations may be used only under the specified circumstances listed in 41 C.F.R. § 301-3.3(d) (3) (1992). Stephen G. Burns, 70 Comp. Gen. 437 (1991). From the record in this case it is quite clear that none of those specified circumstances were fulfilled. Rather Mr. Cober chose to use business class, without authorization, despite having been informed before his flight by his agency, both verbally and in writing, that government reimbursement for his return trip was limited to coach class.

Accordingly, we affirm our Claims Group's action and deny Mr. Cober's claim.

for 
James F. Hinchman
General Counsel