



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

Decision

Matter of: Richard E. Stuart
File: B-251852
Date: June 4, 1993

DIGEST

A government employee received a one-time round-trip airfare certificate as an incentive to obtain a personal credit card. He used the certificate in conjunction with his temporary duty travel so that his wife could accompany him on the trip. The certificate was obtained separately and not incident to the use of official travel and, therefore, is not the property of the federal government. See, Use of Discover Charge Cards, B-236219, May 4, 1990. The employee is entitled to reimbursement of his airfare.

DECISION

The issue presented is whether Mr. Richard E. Stuart, an employee of the U.S. Army Corps of Engineers, is entitled to reimbursement of his airfare incident to a temporary duty assignment.¹ For the reasons that follow, Mr. Stuart is entitled to reimbursement.

In November 1991, Mr. Stuart applied for a credit card that was offered by Citibank and American Airlines. Mr. Stuart's application was accepted, and he paid the first yearly fee of \$50. As an incentive for application and receipt of the credit card, Mr. Stuart received a one-time certificate for a round-trip companion airline ticket which could be used only in conjunction with the purchase of an excursion fare.

Mr. Stuart was scheduled to perform temporary duty¹ travel in March 1992 from his duty station in Vicksburg, Mississippi, to San Francisco. Mr. Stuart decided that he would take his wife along on the trip by utilizing the bonus certificate, and he purchased the required excursion fare ticket with personal funds at a cost of \$428. He engaged the services of the official travel agency for the Corps of Engineers in

¹The request was submitted by Brenda J. Hence, Finance and Accounting Officer, Department of the Army, Memphis District, Corps of Engineers, reference: CELMM-RM-F (37).

Vicksburg, and he states that the excursion fare was priced \$216 less than the quoted price of \$644 for a government ticket.²

Mr. Stuart's claim for reimbursement for the airfare was denied by his employing agency on the basis of decisions of this Office which state the general rule that a federal employee is required to account for any gift, gratuity, or benefit received from private sources, incident to the performance of official duty, and any payments tendered to the employee are viewed as having been received on behalf of the government. Discount Coupons, 63 Comp. Gen. 229 (1984). See also, 41 C.F.R. §§ 101-25.103-2, and 301-1.103(b) (1992).

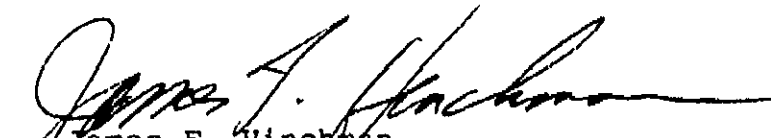
The general rule, as relied on by the agency in its denial of Mr. Stuart's claim for reimbursement, is correct as stated. However, we have also held that a federal employee "is entitled to keep prizes and gifts acquired from private sources through means that are wholly unrelated to his official duties." Gifts or Prizes Acquired in the Course of Official Travel Assignments, B-199656, July 15, 1981. We believe that Mr. Stuart's claim comes within the purview of this exception.

The certificate received by Mr. Stuart was not awarded incident to or on the basis of the purchase of an airline ticket used for official travel. Rather, the bonus certificate was issued as an incentive to obtain a private credit card. We believe that these circumstances are similar to those involved in Use of Discover Charge Cards, B-236219, May 4, 1990, where a federal employee used a personal credit card to pay for travel expenses in the course of official travel. We stated that such use of a personal credit card was a matter of personal convenience and not directly related to the official travel. We concluded that the employee was not obligated to account to the government for any cash or credit rebate he received for such use of his credit card and that such rebates were not the property of the government.

²Although advance written approval is ordinarily required for a cash purchase of an airline ticket of over \$100, 41 C.F.R. § 101-41.203-e, advance approval was not necessary in this case. The employee is a DoD civilian and he used his personal credit card to purchase an excursion ticket from his official agency travel agent. 2 JTR C2252 provides: "Cash payment of official transportation expenses, without regard to the \$100 limitation, is authorized when employees secure group or excursion fares through travel agents." See 41 C.F.R. § 301-3.4(b) (2).

By the same token, Mr. Stuart's use of the certificate to obtain the additional ticket for his wife to accompany him on official travel does not convert it into government property since it was not initially earned, or obtained through the expenditure of government funds and, therefore, never became government property. We also note that Mr. Stuart acted in a prudent manner when he obtained an excursion fare at a reduced cost to the government. See FTR, 41 C.F.R. § 301-3.4 (1992).

Accordingly, Mr. Stuart may be reimbursed the \$428 he expended for the purchase of an airline ticket incident to temporary duty travel.


James F. Hinchman
General Counsel