



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

**Matter of:** Elinor C. Saunders

**File:** B-253551

**Date:** November 5, 1993

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### DIGEST

An employee performing official travel chose to combine it with personal travel. The cost of the actual transportation was less than it would have been had only official travel been performed. The employee seeks reimbursement on a constructive basis as though only official travel was performed. The claim is denied. Where an employee combines personal travel with official travel, reimbursement for transportation is limited to the actual cost of transportation or the constructive cost of direct travel, whichever is lesser.

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### DECISION

This decision is in response to a request from the San Francisco Regional Director, Office of Personnel Management (OPM),<sup>1</sup> concerning the entitlement of an OPM employee to be reimbursed travel expenses on a constructive basis, which amount would exceed her actual expenses, while performing temporary duty travel in March-April 1992. For the following reasons, we conclude that her reimbursement is limited to her actual expenses.

Ms. Elinor C. Saunders, a part-time employee of the OPM stationed in Seattle, Washington, was authorized to perform temporary duty in San Diego and Port Hueneme, California, during the period March 31 through April 11, 1992, to teach a course in Accounting Orientation. It was anticipated that her travel would be performed in two parts. She was to travel between March 31 and April 3, 1992, from Seattle to San Diego and return to Seattle and then travel from Seattle to Port Hueneme and return to Seattle between April 8 and 11, 1992.

Ms. Saunders did not perform travel as expected. Instead of returning to Seattle after teaching the course in San Diego,

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<sup>1</sup>Mr. Joseph S. Patti.

she chose to remain in California between seminars for personal reasons. According to Mrs. Saunders's itinerary, she traveled to San Diego on March 28 and taught the course there on April 1 and 2. On April 6, she rented a car and drove from San Diego to Port Hueneme, where she taught the course on April 9 and 10. She then returned to Seattle from Port Hueneme on April 12, 1992.

Ms. Saunders presented a travel voucher claiming reimbursement entitlement of \$1,266.31 (\$1,471.31, less \$205 for the actual transportation costs purchased by the government), based on constructive travel to include the theoretical cost of airfare to and from Seattle between training sessions and the theoretical cost of cab fares between the airport and her places of lodging at each location. The OPM disallowed all theoretical travel expenses and reimbursed her \$1,017.31, representing her actual transportation expenses and per diem while on government business.

Ms. Saunders has appealed that disallowance, contending that it cost the government less for her actual travel than if she had performed travel as originally authorized. It is her view that she should be entitled to be reimbursed the additional amount on a constructive basis since the government was willing to pay that higher amount for her travel.

Under 5 U.S.C. § 5706 (1988), except as otherwise permitted by statute, only actual and necessary travel expenses may be allowed to an employee. In addition, section 301-1.3(b) of the Federal Travel Regulation (FTR),<sup>2</sup> provides, in part, that:

"(b) **Reimbursable expenses.** Traveling expenses which will be reimbursed are confined to those expenses essential to the transaction of official business."

In decision John A. Park, B-227468, Mar. 11, 1988, we stated that the government has no obligation to reimburse an employee for the constructive cost of travel where no actual travel expenses are incurred. In other decisions, we have held that when an employee performs official travel by an indirect route, interrupts that travel, or combines personal travel with official travel, reimbursement is limited to the constructive cost of direct routing or the actual cost of travel, whichever is lesser.<sup>3</sup>


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<sup>2</sup>41 C.F.R. § 301-1.3(b) (1993).

<sup>3</sup>Paul J. Castlebury, 68 Comp. Gen. 640 (1989) and decisions cited. See also Marty J. Dama, B-235070, Oct. 6, 1989; and Ronald Metevier, 66 Comp. Gen. 449 (1987).

In the present situation, Ms. Saunders's cost of actual transportation (Seattle to San Diego to Port Hueneme and return to Seattle) was less than it would have been had she performed the travel as originally anticipated. Therefore, the agency action limiting her reimbursement to the actual cost of transportation plus per diem for days while on official business is correct and is sustained.

*Seymour E. Hinchman*

 James F. Hinchman  
General Counsel