



Comptroller General
of the United States

1432:

Washington, D.C. 20548

Decision

Matter of: Valerie McLeod

File: B-255806

Date: April 29, 1994

DIGEST

A transferred employee's privately owned vehicle (POV) had a major breakdown while en route to the new permanent duty station. The agency authorized her to rent a vehicle for local travel while waiting for repairs to her POV to be completed. The employee claims reimbursement for the rental costs. Under chapter 301 of the Federal Travel Regulation (FTR), rental vehicles may be authorized for the performance of temporary duty. There are no similar provisions in connection with relocation travel under chapter 302 of the FTR. Since the employee was not performing temporary duty at the location where her POV was being repaired, the vehicle rental costs may not be reimbursed. However, at the discretion of the agency, all or part of the local miles traveled may be included and reimbursed as part of her relocation mileage claim.

DECISION

This decision is in response to a request from an Authorized Certifying Officer, National Finance Center, Department of Agriculture.¹ The request concerns the entitlement of a transferred employee to be reimbursed the cost of a rental vehicle used for local travel during the time the employee's privately-owned vehicle (POV) is being repaired, while en route to the new station. The claim may not be allowed for the following reasons.

Ms. Valerie McLeod, an employee of the Soil Conservation Service, U.S. Department of Agriculture, was transferred from Suitland, Maryland, to Fort Collins, Colorado. She performed travel by privately-owned vehicle. Her POV sustained major mechanical problems near Ogallala, Nebraska, forcing her to remain there for 4 days until her vehicle could be repaired. Ms. McLeod's agency authorized her additional days of travel per diem while her vehicle was being repaired. Her agency authorized her to rent a vehicle

¹Ms. Sandra S. Williams (file reference FSD-1 RJP).

during that same time so that she could perform local travel in Ogallala since no public transportation was available.

Following submission of her travel voucher, Ms. McLeod's claim for the cost of the rental vehicle and gasoline were disallowed by the agency. On appeal, she points out that her travel was on official business. The question asked is whether the cost of a rental vehicle may be reimbursed.

Under the provisions of Chapter 301 of the Federal Travel Regulation (FTR), an employee may be authorized the use of a rental vehicle in connection with the performance of temporary duty travel within or without his/her designated post of duty and be reimbursed that cost.² There are no similar provisions in connection with relocation travel under chapter 302 of the FTR.

Regarding relocation travel, section 301-4.1(b)(1) of the FTR³ provides that reimbursement for motor vehicle travel shall be on a mileage basis,⁴ based on the distance between the old and new stations as shown in standard highway mileage guides, or the actual mileage between the two points as determined from odometer readings. This is to accommodate for extra mileage when the traveler is required to make occasional detours for such things as meals, lodging, or possibly road construction. However, there is the stated requirement that where the odometer mileage claimed deviates substantially from standard highway guides, it must be explained to the satisfaction of the agency in order for any part of such additional mileage to be reimbursed.

The fact that Ms. McLeod was authorized to rent a vehicle for local travel during the delay period does not enlarge her relocation expense reimbursement rights. Since she was not performing official business in Ogallala, Nebraska, the authorization was erroneous.⁵ It is well settled that the government is not bound by the acts or advice of its agents

²See 41 C.F.R. 301, Parts 2 and 3 (1993).

³41 C.F.R. § 301-4.1(b)(1) (1993). This provision and others in 41 C.F.R. Part 301 are made applicable specifically to relocation travel by 41 C.F.R. § 302-2.1 (1993).

⁴See 41 C.F.R. § 302-2.3(b) (1993) for the prescribed mileage rates.

⁵Della S. Triqqs, B-249820, Jan. 28, 1993, and decisions cited.

which contravene governing law or regulation. See OPM v. Richmond, 110 S. Ct. 2465 (1990); Schweiker v. Hansen, 450 U.S. 785 (1981); and Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947).

Therefore, while it was proper to allow Ms. McLeod additional per diem for the period of her travel delay,⁶ she may not be reimbursed the cost of renting a vehicle for her local travel during the same period. However, we point out that she traveled 99 miles between her lodgings, restaurants, etc., while in Ogallala during the delay period. In the circumstances, we would not object to these miles being included in whole or in part, and reimbursed as part of her relocation mileage claim.

Seymour E. Gross

for
Robert P. Murphy
Acting General Counsel

⁶41 C.F.R. § 302-2.3(d) (2) (1993). See also Thomas S. Swan, Jr., 64 Comp. Gen. 173 (1984).