



Decision

Matter of: James G. Meadows
File: B-256794
Date: July 20, 1994

DIGEST

An employee who chose for personal reasons to use his privately-owned vehicle, in lieu of an available government-owned vehicle, is limited to reimbursement at 9.5 cents per mile, as authorized and approved by his agency. Federal Travel Regulation, 41 C.F.R. § 301-4.4(c) (1993).

DECISION

Mr. James G. Meadows, an employee of the United States Department of Agriculture, Farmers Home Administration, claims reimbursement at the rate of 18 cents per mile for use of his privately-owned vehicle (POV) pursuant to temporary duty travel, instead of a reduced rate of 9.5 cents per mile authorized and approved by his agency. For the reasons that follow, we find that the agency was correct in limiting Mr. Meadows to reimbursement at the reduced rate.

Mr. Meadows was detailed from his permanent duty station in Greensburg County, to Chalfont County, Pennsylvania, from September 20 to November 28, 1992. Mr. Meadows was advised by his supervisor by telephone on September 29, and later by letter of October 2, 1992, that it would be in the best interest of the government if he would utilize a government vehicle (GOV) for the duration of his temporary duty assignment. He was to pick up the GOV at the Greensburg County Office and continue to the Chalfont County Office, and drop the car at the Greensburg County Office on his return. Mr. Meadows was told that if he elected not to use the assigned GOV, he could use his POV, but he would be paid a reduced rate of 9.5 cents per mile.

Mr. Meadows claims \$296.81 on the basis that he is entitled to be reimbursed 18 cents per mile in accordance with Department of Agriculture regulation 1-4.4a (Amend. 2, June 14, 1982), and the Federal Travel Regulation (FTR),

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41 C.F.R. § 301-4.4(b) (1993).¹ These provisions provide a maximum mileage rate of 18 cents per mile for authorized use of a POV, when use of a GOV would be most advantageous to the government. Mr. Meadows contends that the cited provisions are applicable to federal employees who, like him, have not committed to the use of a GOV. He has furnished a signed statement, dated September 4, 1991, as evidence that he was not committed to use of a GOV.

Mr. Meadows has misinterpreted FTR, 41 C.F.R. § 301-4.4(b), and the Agriculture regulation cited above, which merely reiterates the FTR provision. The FTR provision provides for reimbursement at 18 cents per mile in those situations where use of a POV is authorized or approved by agency officials, even though use of a GOV would be most advantageous to the government. In other words, an employee is permitted to use his POV, in lieu of being furnished a GOV, but his reimbursement is limited to the cost of operating a GOV of 18 cents per mile.

However, where a government vehicle is available and is set aside for an employee's use, the employee would ordinarily not be authorized use of his POV. If the employee requests use of his POV in this situation, agency officials may authorize or approve such use at a reduced rate of 9.5 cents per mile, which is the cost of operating a GOV, fixed costs excluded. FTR, 41 C.F.R. § 301-4.4(c) (1993).

In this case, Mr. Meadows was advised by his supervisor that it would be in the best interest of the government for him to use an available GOV and that, if he chose to use his POV, reimbursement would be limited to 9.5 cents per mile. Therefore, even though he was not committed to use a GOV, the agency authorized and approved Mr. Meadows' use of his POV, in lieu of the available GOV, at a rate of 9.5 cents per mile in accordance with FTR, 41 C.F.R. § 301-4.4(c), and decisions of this Office. See, Elliot Kaplan, et al., 70 Comp. Gen. 727 (1991); Scott Faulks, B-252901, Sept. 9, 1993; Wayne G. Kirkegaard, B-223537, May 21, 1987.

Accordingly, Mr. Meadows reimbursement was properly limited by his agency to 9.5 cents per mile.

/s/ Seymour Efros
for Robert P. Murphy
Acting General Counsel

¹Mr. Meadows' claim for reimbursement was denied by a formal grievance procedure dated Oct. 14, 1993.