



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Robin M. Kime--Per Diem--Delayed Return from Temporary Duty

File: B-257972

Date: May 17, 1995

DIGEST

An employee who completed a temporary duty assignment on a Friday was authorized by her agency to stay that night in a hotel near the airport to take an early morning return flight on Saturday. Instead, she stayed Friday night and Saturday night with her family, for which she did not claim lodging expenses. On Sunday, she stayed at a hotel near the airport from which she was departing on the early Monday morning flight. The Sunday lodging expenses may not be paid.

DECISION

Ms. Robin Kime, a Navy civilian employee assigned to the Portsmouth (New Hampshire) Naval Shipyard, appeals our Claims Group settlement, Z-2869012, Apr. 25, 1994, denying her claim for lodging expenses incurred on two Sunday nights while performing temporary duty (TDY) travel to the Mare Island Naval Shipyard, Vallejo, California. We affirm.

BACKGROUND

On two separate occasions, Ms. Kime performed week-long TDY assignments at Mare Island. On each trip, the agency authorized Ms. Kime to travel to the TDY post on Sunday afternoon and to return on the following Saturday morning. In each case, because of the distance between the TDY site and the airport, the agency authorized Ms. Kime to obtain lodgings near the (San Francisco) airport the night before her departure because her flight was scheduled to depart early the next morning.

Before she began her assignments, however, Ms. Kime received permission to return during her regular duty hours on the Mondays following her assignments, and the agency modified her travel orders accordingly. During each trip, she spent the Friday and Saturday nights with her parents, who lived near the TDY location. On the Sunday nights, she stayed in a hotel near the airport, and took an early morning flight on Monday. She did not claim any lodging expenses for the nights she stayed with her family, but did submit a claim for her Sunday lodgings.

The agency disbursing officer denied Ms. Kime's claim based on the following provision of the Joint Travel Regulations (JTR):

"When an employee delays return travel from a Friday to Monday (e.g. following completion of temporary duty on Friday) in order to travel during regulation duty hours on Monday, payment of per diem will be limited to that which would have been payable if he/she had begun the return travel following the completion of work on Friday and continued to the destination without delay." JTR, Vol. 2, ¶ C1058.3.

Ms. Kime argues that, because the cost of her lodging on Sunday night was no more than she was authorized to incur on Friday night, she should be reimbursed for this expense on a constructive basis as if she had incurred the cost on Friday. We do not agree. Ms. Kime was allowed per diem in accordance with the above quoted regulation. For both trips, she was reimbursed per diem as if she had traveled on Saturday, as she was originally authorized to do. Since Ms. Kime did not incur lodging costs on either Friday night, she was not entitled to lodging costs for those nights.

The fact that the agency gave Ms. Kime permission to return during regular business hours on Monday does not justify reimbursing her Sunday night lodging costs, since she was not in an official TDY status on either Sunday. Moreover, there is no basis under the regulation to treat her Sunday night lodging costs as if incurred on Friday night in preparation for early Saturday morning travel. Since she delayed her return trip in order to travel on Monday during regular duty hours, she is only entitled to per diem limited to that which would have been payable if she had begun the return travel following the completion of her TDY assignment and continued to her destination without delay.

Accordingly, the Claims Group's disallowance of the claim is affirmed. Payment may not be made.

Robert P. Murphy
General Counsel