

A-169917

JUL 1 1970

Mr. Robert L. Leith, Chief
Central Accounts Branch
Office of the Controller
United States Atomic Energy Commission

Dear Mr. Leith:

Your letter of May 25, 1970, enclosing a voucher in favor of Mr. Fred D. O'Berg, requests a decision as to reimbursement authorized for transportation expenses incident to his return from his temporary duty station to his official headquarters upon becoming incapacitated because of illness not due to his own misconduct.

Mr. O'Berg, an Atomic Energy Commission employee, suffered a serious heart attack on December 1, 1969, while on temporary duty at Richland, Washington, and was hospitalized in that city on that date. On December 3, 1969, his wife traveled from Washington, D. C., to Richland to be with him. Mr. O'Berg was discharged from the hospital on December 21, 1969. Upon the recommendation of his doctor to recuperate in a warm climate, Mr. O'Berg, accompanied by his wife, traveled to Costa Mesa, California, the home of his daughter. They remained there until February 3, 1970, when they returned to their residence in Maryland.

Mr. O'Berg claims the cost of transportation for his wife, as an attendant from Washington, D. C., to Pasco, Washington (air terminal at temporary station), to Los Angeles and thence to Washington, D. C. He also claims additional transportation cost incurred by him for rerouting from Pasco to Washington, D. C., via Los Angeles.

Section 5.5b, Standardized Government Travel Regulations, implementing 5 U.S.C. 5702(b), provides that transportation expenses to an employee's designated post of duty and per diem en route may be authorized or approved whenever the employee becomes incapacitated due to illness or injury, not due to his own misconduct, while en route to or while at temporary duty station prior to completion of his temporary duty assignment.

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In the present case, the cost of transportation claimed by the employee for his wife as attendant and the additional transportation cost claimed for rerouting have been administratively approved. Such approval is based on a certificate by the attending physician that it was medically necessary that Mr. O'Berg be accompanied by another person, that outdoor physical activity in a warmer climate would be beneficial, and that since Mr. O'Berg had relatives in California who would provide him with a place to live while he undertook this gradually increasing program of physical activity, he encouraged him to do so.

In view of the conclusions reached by this Office in decisions B-127109 of April 6, 1956, and B-115734 of August 25, 1953, you request our decision on:

"1. The propriety of the claim for the cost of transportation claimed for Mrs. O'Berg as attendant for the employee; and

"2. The claim for additional transportation cost incurred by the employee due to rerouting for the purpose of recuperation in a warmer climate."

In the decision of August 25, 1953, we held that the statutory provision for the return to his official station of an employee who becomes incapacitated because of illness, not due to his own misconduct, while en route to or at a temporary station, does not authorize payment of transportation costs for an attendant.

However, upon further consideration in the decision of April 6, 1956, we pointed out that the legislative history of the statutory provision shows that its purpose was to overcome in some measure inequities and hardships arising when an employee becomes ill or is injured while in a travel status and is compelled to personally assume all expenses, including subsistence and transportation costs. In that case the record showed that an attendant was medically required, and since the transportation expense of an attendant (employee's wife)

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for direct travel from the temporary station to the employee's post of duty had been administratively approved, we authorized payment of the claim. Although it did not so state, that decision had the effect of overruling the earlier decision.

With respect to Mr. O'Berg's convalescence in southern California, we would point out that since the purpose of the law and regulation is to return the employee to his post of duty, travel by a direct usually traveled route is contemplated and circuitous travel at Government expense for the purpose of recuperation is not authorized.

Accordingly, Mr. O'Berg may be reimbursed for the transportation costs incurred by him for his wife's travel as his attendant from Washington, D. C., to Richland, Washington, and direct return. No reimbursement may be made for the additional cost incurred by the employee in rerouting for the purpose of recuperation. Your questions are answered accordingly.

The voucher is returned herewith, payment thereon being authorized to the extent indicated above.

Sincerely yours,

E. KELLER

Assistant

Comptroller General
of the United States

Enclosure