

COMPTROLLER GENERAL OF THE UNITED STATES WASHINGTON, D.C. 2000 ,/AAU 2

1-171969

October 11, 1973

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Hr. John J. Larkins 9634 Aspen Place Manasaas, Virginia 22110

Dear Mr. Larkins:

By letter of July 3, 1973, you requested reconsideration of the Transportation and Claims Division settlement of June 27, 1973, disallow--ing-your claim for reimbursement of mileage at 10 cents a mile and related per diem for travel by private automobile from Washington, D. C., to Stanford, California, and retura.

The record shows that as a civilian employee of the Department of the Army you were awarded a Civil Service Commission Fellowship to attend Stanford University from September 1, 1971, to June 15, 1972, in a program for Education for Public Management. Pursuant to travel order LOG/72-174, dated August 3, 1971, you were authorized mileage reimbursement and per dice limited to the constructive cost of common carrier transportation (\$294 air fare) and related per diam as detormined by the Juint Travel Regulations (JIR). Your orders allowed per diem at the rate of \$14 during the period of temporary duty (TDY) and \$25 a day for time spent in travel by airplane to and from Stanford, California.

You claim additional expenses in the amount of \$781 calculated as follows:

"Private Auto	- 6000 miles	at \$.10 mile		\$ 600.00
Per diea	= \$25/day for 2	0 days [travel]	-	500.00 \$1100.00
Less \$25 (pproved per diem				- 25.00
Less \$294 approved air fars			<u>- 294.00</u> \$ 781.00"	

You contend that there are, or should be, circumstances that warrant reimburgement for costs incident to the use of a private auto while on TDY even if that cost exceeds the cost of transportation by common carrier.

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The administrative report on your claim states in pertinent parts

" * * * It was the opinion of Mr. Larkins! supervisors and of this agency that it was more advantageous to the Government that Mr. Larking be authorized to travel by priwately owned conveyance only if he be allowed mileage reimhursement and per diew limited to constructive cost of common carrier transportation and related per diam as determined in the JTR, * * * This opinion was based on the fact that Hr. Larking' use of a privately owned vehicle was his preference to allow his family to accompany him during his TDY and to provide him transportation in and around Etanford. It was not most advantageous to the Government since his family was not included in the TDY and if unaccompanied he could have elected to live on or closer to the University compute. It was further believed that the perdiem allowance was being provided to help offect the inconvenience of residing away from his home.

"During the pariod in addition to his normal salary, Mr. Larkins was authorized round trip air fare, \$18 to offset transportation to and from airport, plus two days at \$25 and 289 days at \$14 for an approximate total of \$4408. This does not include the expenses incurred by Government contract to provide tuition and books in the amount of \$4780. In summary, the total cost to the Government was \$9188 plus the annual salary of a GS-14.

"It is the position of this agency that Hr. Larkins knew at the time his orders were published that it was most advantageous to the Government for him to use connercial travel facilities. At his request he was allowed to take his privately owned vehicle under the above conditions. It is believed the orders were correct as published and that Hr. Larkins has received full compensation for his TDY. It is further the position of this agency that there is no basis on which to spprove Hr. Larkins' claim."

Payment of the expenses for your studies is governed by 5 W.S.C. 4109 (formerly section 10 of the Government Employees Training Act) which provides that the head of an agency, under regulations prescribed by the -171969

Mvil Service Commission, may pay, or reimburse the employee for, all or part of the necessary expenses of training, including the necessary costs of (A) travel and per diem or (B) transportation of immediate family, isousehold goods and personal effects, etc., when the estimated costs of transportation and related services are less than the estimated per diem payment for the training period. See B-164864, November 19, 1968, copy emclosed.

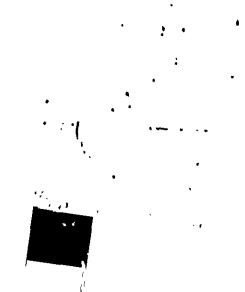
5 CFR 410.601 provides that "the head of an agency shall determine which expenses constitute necessary training expenses under section 4109 of title 5, United States Code." For payment of training expenses genercity see Vederal Personnel Manual, Chapter 410, subchapter 6.

In accordance with the above authority it was administratively determined that it would be in the best interests of the Government for you to be authorized the necessary costs of travel and per dism rather than to have your family, household goods and personal, affects transported to Stanford, California.

The administrative report indicates that your agency has complied with paragraph UG151 of the JTR, Volume 2, dated March 1, 1971 (superseded by C6151, October 10, 1971), which provides in pertinent part that . "In detormining whether or not the use of privately owned conveyance is more advantageous to the Government than other available modes of transportation, consideration will be given to the over-all benefits, disadvantages, comparative costs of transportation, per diem, and roimbursable itens, including * * * 4. location of places of temporary duty in relation to the location of quarters and meal facilities and the availability of modes of transportation, other than privately amed conveyonce, between these points * * * *." Furthermore, reimburgement of your travel expenses is subject to the provisions of paragraph C10157.2s, JTR, Volume 2, which stipulate that when travel by privately owned conveyance is not advantageous to the Government, reimbursement in all cases will be limited to an amount not in excess of the constructive cost of common carrier transportation and related per diem.

Therefore, on the basis of the record before us we can only affirm the disallowance of your claim,

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Sincerely yours,

Paul G. Dembling

For the Comptroller General of the United States

