



COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

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B-177015

January 22, 1973

R. T. Babbin, Disbursing Officer ✓
Through Director, Navy Military Pay System
Department of the Navy

Dear Mr. Babbin:

Further reference is made to your letter dated March 30, 1972, received in this Office September 11, 1972, in which you request an advance decision as to the propriety of payment of the travel claim of Commander [REDACTED], USN, [REDACTED]. Your request has been assigned PDTATAC Control No. 72-43 by the Per Diem, Travel and Transportation Allowance Committee.

It appears that Commander [REDACTED] was directed to attend a conference in Washington, D. C. Incident to this travel, he was authorized to use a privately owned vehicle for transportation from Brunswick, Maine, to Portland, Maine, and from there continue his travel from Portland to Washington, D. C., via commercial air carrier and return in the same manner.

It appears that Commander [REDACTED] departed NAS Brunswick at 1000 hours and arrived at Portland at 1130 hours on March 5, 1972. On arriving at Portland he learned that the flight to Washington on which he was to travel had been cancelled because of adverse weather conditions. He then departed Portland at 1230 for Brunswick arriving there at 1400 hours.

Commander [REDACTED] performed the ordered travel on the next day and he was paid per diem and round trip mileage from Brunswick to Portland.

In view of the fact that on March 5, 1972, the officer did not complete the travel directed in his orders you question the propriety of the payment of per diem in view of paragraph M4204-3b(1) of the Joint Travel Regulations (change 223, August 1, 1971), and payment of mileage for the travel performed on that day.

Section 404 of Title 37, United States Code, provides that under regulations prescribed by the Secretaries concerned, members of the uniformed services shall be entitled to receive travel and transportation allowances for travel performed under competent orders upon a change of permanent station, or otherwise, or when away from their designated post of duty.

PUBLISHED DECISION
52 Comp. Gen. _____

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Paragraph M4205-4a[✓] of the Joint Travel Regulations (change 228, February 1, 1972) promulgated pursuant to the above cited section provides that a per diem allowance is not authorized for a round trip performed entirely within a 10-hour period of the same calendar day.

Thus, although Commander [REDACTED] was unable to fulfill his temporary duty assignment due to weather conditions causing the cancellation of his flight, the fact remains that the period of time away from his permanent duty station was only 4 hours. Hence, payment of per diem in such circumstances is specifically prohibited under the provision of paragraph M4205-4a[✓] of the Joint Travel Regulations. In view of the above, the provision of paragraph M4204-3b(1)[✓] need not be considered. See 51 Comp. Gen. 12 (1971).

Under the provisions of paragraph M4401-2[✓], item 2 of the Joint Travel Regulations, a member who actually drives his own automobile to an airport, parks it and actually drives it from the airport to his home incident to temporary duty travel is entitled to mileage for one round trip from home to airport plus the parking fee, not to exceed the cost of two taxicab fares between those points.

While on March 5, 1972, Commander [REDACTED] did not accomplish all the travel incident to his temporary duty, it is our view that he is entitled to travel allowance under the provisions of paragraph M4401-2[✓], item 2, since use of his privately owned vehicle was authorized and the temporary duty was not accomplished at that time through no fault of his own, but due rather to the weather. The rationale of decision B-166490[✓], April 23, 1969, which permitted mileage payment to a Government employee in similar circumstances, is for equal application to a military member.

Accordingly, the travel claim of Commander [REDACTED] and the supporting papers are returned herewith, payment being authorized in accordance with the above.

Sincerely yours,

Paul G. Dembling

For the Comptroller General
of the United States

Enclosure