



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

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B-178251

June 13, 1973

Mr. Harold F. Whittington
14300 Myer Terrace
Rockville, Maryland 20853

Dear Mr. Whittington:

We refer to your letter of March 16, 1973, by which you request reconsideration of the settlement dated April 7, 1972, of the Claims Division of this Office which disallowed your claim for additional per diem incident to your temporary duty travel from Washington, D.C., to Vientiana, Laos, and return during the period July 29 to November 2, 1969, as an employee of the Agency for International Development (AID).

Your questions with regard to the per diem paid you by AID for that travel, which payment was affirmed in the cited Claims settlement, involve the proper rate of per diem to be allowed for travel within the continental United States prior to final departure from and after return to the point of exit or entry within the United States and the proper method for computing per diem when the traveler crosses the international dateline. We understand that you do not now question the deductions for the per diem originally claimed which were based on the determination that you used an excess amount of time in traveling to and from your temporary duty point.

With respect to per diem adjustments required when a traveler crosses the international dateline section 6.6 of the Standardized Government Travel Regulations (SGTR), Bureau of the Budget (now Office of Management and Budget) Circular No. A-7, Revised, March 1, 1965, which was in force at the time your travel was performed provided:

6.6 International dateline.--In computing per diem in cases where the traveler crosses the international dateline (one hundred and eightieth meridian), actual elapsed time will be used rather than calendar days.

That provision as contained in a previous revision of Circular No. A-7 was subject to our decision 39 Comp. Gen. 853 (1960) in which it was held that the elapsed time requirement was to be read in conjunction with the provisions of the SGTR pertaining to the computation of per diem payments. Provisions similar to those considered in the 1960 decision which were in the regulations in force at the time your

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travel was performed were contained in section 6.9a (as amended by Transmittal Memorandum No. 7, April 7, 1967), and in section 6.11 of the 1965 revision. Those regulations were in pertinent part as follows:

6.9 Time of Departure and Arrival. a. The date and hour of departure from and arrival at the official station, or other place at which official travel begins or ends, and points at which temporary duty is performed will be shown on the travel voucher when such arrival or departure affects the per diem in lieu of subsistence allowance or other travel expenses. Other points visited should also be shown but the time of arrival and departure need not be entered. The hours of departure and arrival will be those of the standard time then currently in effect at each such place. (See section 3(a) of the Uniform Time Act of 1966 and 15 U.S.C. 262 as amended by section 4(b) of that Act.)

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6.11 Day defined.--In computing the per diem in lieu of subsistence for continuous travel of more than 24 hours, the calendar day (midnight to midnight) will be the unit, and for fractional parts of a day at the commencement or ending of such continuous travel, constituting a travel period, one-fourth of the rate for a calendar day will be allowed for each period of 6 hours or fraction thereof. When change in per diem rate is made during a day, the rate of per diem in effect at the beginning of the quarter in which the change occurs shall continue to the end of such quarter.

In view of all the applicable provisions of the controlling regulation it was concluded in 39 Comp. Gen. 853 (copy herewith) that an adjustment of a full calendar day should be made when travel involved crossing of the international dateline so that per diem would be paid on the basis of the calendar day and quarter day at the place where travel was being performed. The method prescribed in that decision for computing per diem in cases involving crossing of the international dateline is considered the preferred method to be used uniformly in computing per diem for temporary duty travel such as yours. Thus, your computation of per diem which was based on elapsed time from departure to return without regard to the calendar day at any place en route or at the place of temporary duty was not in accordance with such preferred method.

With respect to per diem allowable for travel from the point of origin to the point of exit from the United States when overseas travel is involved it was held in 39 Comp. Gen. 723 (1960) that the rate of per diem applicable in the continental United States continues through the quarter day beginning immediately prior to the actual hour of departure from the point of exit from the continental United States and that the continental United States rate commences at the beginning of the quarter day immediately following the actual hour of arrival at the point of entry in the continental United States. That rule is applicable even when the point of exit or arrival is an intermediate stop of an airplane en route between points inside and outside the continental United States. We point out that by definition in the SGR "continental United States" does not include Alaska.

Accordingly on the day you left Washington you should have been paid per diem for one-quarter day at the \$16 rate and for one-half day at the \$6 rate rather than at the \$6 rate for the three-quarters of a day you were in travel status on that day. An adjustment in your favor for that day in the amount of \$2.50 (\$7 less \$4.50) is required. Regarding per diem for your return travel from Tokyo to Washington you were properly paid at the \$16 rate applicable in Tokyo for three-quarters of a day on the calendar day of departure (November 2, 1969) since you departed during the third quarter of that day (local time). However you arrived at the terminal serving Washington, D.C., during the same quarter day so you should not have been allowed an additional quarter day at the \$6 rate or \$1.50. However the adjustment for crossing the international dateline was not made in accordance with 39 Comp. Gen. 853. Under that decision the adjustment should have been computed as follows:

Departure at 3 p.m., fourth quarter of that day at \$6	\$1.50
Arrival at port of entry in U.S. 6:35 a.m., first two quarters of that day at \$6	3.00
Arrival at terminal in Washington, D.C., 4:50 p.m., third quarter of that day at \$16	<u>4.00</u>
	\$8.50

Since an adjustment of one day at the \$6 rate was made for crossing the international dateline, your allowance for that adjustment was \$2.50 less than it should have been (\$8.50 less \$6).

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As indicated above the allowance of your per diem claim was less than that properly allowable in the amount of \$2.50 for outgoing travel. The allowance for return travel was \$1 less than you should have been allowed (\$2.50 less \$1.50).

For the reasons stated you are entitled to an additional payment of \$3.50 incident to the travel in question. We have instructed the Transportation and Claims Division of this Office to issue you a settlement in that amount.

Sincerely yours,

PAUL G. DIMBLING

For the Comptroller General
of the United States