

DECISION



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

60817

FILE: B-185375

DATE: APR 29 1976 99005

MATTER OF: Dr. Helen M. Ondik - Abandonment of temporary duty assignment

DIGEST: Employee was advised of father's death while on annual leave in Europe en route to temporary duty in Amsterdam and abandoned anticipated temporary duty assignment to attend to funeral arrangements. She may not be reimbursed cost of return travel to United States but may be reimbursed travel expenses incurred to the point of abandonment not to exceed the cost of direct travel to the temporary duty point. Employee may also be reimbursed advance registration fee paid in connection with anticipated temporary duty assignment for which refund could not be obtained.

This decision is rendered in response to a request for an advance decision by Ms. Emma Axline, a certifying officer of the National Bureau of Standards, United States Department of Commerce. Forwarded with the certifying officer's request is a voucher in the amount of \$612.22 submitted by National Bureau of Standards employee, Dr. Helen M. Ondik. The amount claimed covers round-trip air fare between Washington, D.C., and Amsterdam, The Netherlands, of \$539 and a registration fee of \$73.22.

The \$612.22 claim arises in connection with Dr. Ondik's anticipated attendance at a meeting of the International Union of Crystallography in Amsterdam from August 5 through August 15, 1975. On July 17, 1975, Dr. Ondik was issued travel orders directing her attendance at the above meeting. Her travel orders authorized her travel to begin on or about July 20, 1975, to permit her to take approximately 11 days of annual leave in Norway and Denmark from July 21 through August 4, 1975. On August 3, while still on annual leave, Dr. Ondik was notified of her father's death. She returned to the United States on the following day to attend to the necessary funeral arrangements. Because she returned to the United States after just 2 weeks abroad, Dr. Ondik was required to pay an additional fee of \$66 to supplement the original excursion rate round-trip air fare of \$473 she had initially paid in anticipation of a

B-185375

more lengthy stay in Europe. In addition to the \$539 amount paid for her round-trip air fare, Dr. Ondik was refused a refund by the International Union of Crystallography for the \$73.22 registration fee paid for attendance at its meeting.

The certifying officer has expressed doubt concerning the propriety of reimbursement for the above amounts in view of the fact that Dr. Ondik returned to the United States for personal reasons before beginning any portion of her temporary duty assignment.

The subject of the travel expense entitlement of an employee who is advised of a family death or illness while on temporary duty and who, for such personal reasons, abandons his temporary duty assignment has been previously addressed by this Office. We have consistently recognized that an employee who abandons official travel because of illness or death in his family may not be compensated the expense of his return travel but may be reimbursed only the costs of his travel to the point of abandonment. 23 Comp. Gen. 237 (1943); 45 id. 299 (1965); 47 id. 59 (1967); B-158442, February 15, 1966; B-172048, March 29, 1971. An exception to the prohibition against reimbursement of return travel expenses has been recognized only in cases where the employee has substantially completed the purpose of his travel or where the duties he was to perform are completed at no additional cost to the Government. B-155977, February 18, 1965; B-174005, November 18, 1971; B-175511, April 25, 1972.

The case in which an employee is notified of a death or illness in his family and abandons his intended assignment while on annual leave en route to a temporary duty point involves somewhat different considerations than the case of an employee who abandons his temporary duty assignment in the midst of its performance. In the former case, depending upon when notice of the death or illness is received, the employee might well have incurred no travel expenses but for his decision to take annual leave en route to or in anticipation of the temporary duty assignment. Such is the case at hand. Had Dr. Ondik not scheduled her annual leave to be taken in Europe during the 11 days that preceded the Crystallography meeting, she would in all likelihood have been notified of her father's death before departing for the meeting and would have been able to cancel her flight plans at no cost.

B-185375

In similar cases we have nonetheless authorized reimbursement for travel costs incurred to the point of abandonment to the extent that those expenses do not exceed the amount that would have been incurred if the employee had not scheduled annual leave to be taken en route but had traveled directly to the place of his temporary duty assignment. B-137457, October 15, 1958; B-165717, January 29, 1969. While the rationale for that result is not clearly stated in any of the above-cited decisions, it appears to reflect the fact, as in Dr. Ondik's case, that the employee's scheduling of annual leave is, in part, a direct consequence of the agency's scheduling of his temporary duty assignment. Cf. 36 Comp. Gen. 421 (1956).

In line with the above decisions, Dr. Ondik may be reimbursed the cost of her air transportation expenses incurred in travel to Europe prior to August 4, 1976, to the extent that that amount does not exceed the economy class air fare payable for direct travel from Washington, D.C., to Amsterdam. While this will in part compensate Dr. Ondik for the additional fee of \$66 paid in connection with her return travel, there is no basis to reimburse her the \$66 amount in full, and no portion of the air fare attributable to her return travel may be paid. She may also be reimbursed the forfeited \$73.22 advance registration fee.

PAUL G. DEMBLING

For the Comptroller General
of the United States