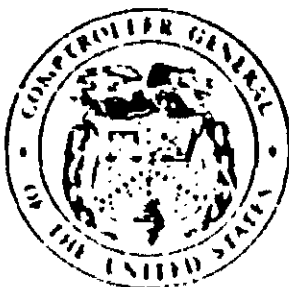


DECISION

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

FILE: B-156430

DATE: OCT 2 1976

MATTER OF: Robert M. Attmore - Per Diem

DIGEST:

Employee scheduled to report to new duty station on Monday, January 21, 1974, who, because of the weekend closing of gas stations, traveled from old to new station on preceding Friday, is not entitled to per diem for the weekend spent at new station prior to reporting for duty since per diem allowance authorized by 5 U.S.C. § 5724(a) is payable only in connection with en route travel. Subsistence expenses incurred at new duty station location prior to reporting for duty are generally reimbursable only as temporary quarters subsistence expenses.

This action is based on the request dated March 29, 1976, by Mr. Elaine K. Shelton, an authorized certifying officer of the Federal Mediation and Conciliation Service, for a decision regarding the entitlement of Mr. Robert M. Attmore to additional per diem expenses incident to a transfer of duty station.

Mr. Attmore was scheduled to report to his new permanent duty station in Houston, Texas, on Monday, January 21, 1974. He has explained that because of the gas shortage most gas stations were closed evenings and weekends and he, therefore, considered it necessary to depart from Oklahoma City, Oklahoma, on Friday, January 18, 1974, to insure that he would be in Houston the following Monday. Mr. Attmore traveled the 453-mile distance between Oklahoma City and Houston on Friday and remained in Houston over the weekend, reporting for duty as scheduled on Monday. Inasmuch as he would not have begun his permanent change of station travel until Sunday, January 20, 1974, had it not been for the gas shortage, Mr. Attmore claims per diem for the period from January 18 through January 20, 1974.

The certifying officer correctly advised Mr. Attmore that the expenses he incurred on Saturday and Sunday would ordinarily be for reimbursement as temporary quarters subsistence expenses

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under Federal Travel Regulations (FTR) chapter 2, part B (FPMR 101-7) (May 1973). The record indicates, however, that Mr. Attmore filed a separate claim for temporary quarters subsistence expenses in connection with the transfer for the maximum allowable period of 30 days which is exclusive of the Saturday and Sunday for which per diem is now being claimed.

Section 5724(a) of title 5, United States Code (1970), authorizes payment of travel expenses in connection with transfers as follows:

"(a) Under such regulations as the President may prescribe and when the head of the agency concerned or his designee authorizes or approves, the agency shall pay from Government funds--

"(1) the travel expenses of an employee transferred in the interest of the Government from one official station or agency to another for permanent duty * * *."

Under that authority, paragraph 2-2.3d of the FTR provides:

"d. Maximum per diem allowances when privately owned automobile is used.

"(1) Rates as prescribed by agency. The per diem allowance for the employee while en route between the old and new duty stations shall be at appropriate rates, as prescribed by the agency concerned, within the applicable maximums and in accordance with provisions of Chapter 1. The per diem allowances prescribed in 2-2.2b apply for members of the employee's immediate family, except as excluded in 2-2.2c.

"(2) Maximum allowance based on total distance. Per diem allowances shall be paid on the basis of the actual time used to complete the trip, but the allowance may not exceed an amount computed on the basis of a minimum driving

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distance per day which is prescribed as reasonable by the authorizing official and is not less than an average of 300 miles per calendar day."

It is to be noted that the per diem allowance payable under the above-quoted authorities is payable only in connection with en route travel between the old and new duty stations and, except as limited by the 300-mile rule, is payable on the basis of actual time used to complete the trip. Insofar as an employee incurs subsistence expenses upon arrival at the new duty station, those expenses are reimbursable only to the extent authorized by 5 U.S.C. § 5721a(9) (1970) for payment of a temporary quarters subsistence expense allowance.

Since Mr. Attmore's en route travel terminated upon arrival in Houston, he may not be paid per diem for the 2 days between the time of his arrival and the time he reported for duty. Inasmuch as he traveled more than 300 miles distance on Friday, completing the 453-mile trip in 1 day, he may be paid a per diem allowance only for the actual time spent in en route travel.

The voucher, which is returned, may be certified only in accordance with the above.

R. F. KIMMER
Deputy Comptroller General
of the United States