

DOCUMENT RESUME

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Category "Z" Travel: Invitational Orders. B-187402. May 19, 1977. 2 pp.

Decision re: Gary L. Develder, Department of Defense: Finance and Accounting Office, Tokyo (Japan); by Robert F. Keller, Deputy Comptroller General.

Issue Area: Personnel Management and Compensation: Compensation (305).

Contact: Office of the General Counsel: Transportation Law.
Budget Function: General Government: Central Personnel Management (805); Commerce and Transportation: Air Transportation (405).

Authority: Travel Expense Amendments Act of 1975, sec. 2 (P.L. 94-22; 89 Stat. 84). 5 U.S.C. 57. 5 U.S.C. 5701. 5 U.S.C. 5703.

The Department of Defense requested a decision regarding the applicability of category "z" fares for a civilian consultant's roundtrip air travel from Alaska to Japan. Prior to the 1975 change in the law, category "Z" fares could not be applied to invitational air travel by a private individual. Travel was performed in October 1974, so category "Z" did not apply. (Author/DJH)

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DECISION



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

TRAILS.
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FILE: B-187402

DATE: May 19, 1977

MATTER OF: Category "Z" Travel - Invitational Orders

DIGEST: Prior to Travel Expense Amendments Act of 1975, category "Z" fares do not apply on invitational air travel of private individual furnishing intermittent services for the Department of Defense.

The Department of Defense (DOD) Finance and Accounting Office in Tokyo, Japan, has requested a determination regarding the applicability of category "Z" air fares to the transportation of Gary L. Davelder, who boarded Northwest Airlines flight 003 at Anchorage, Alaska, on October 4, 1974, and departed the airplane at Tokyo, Japan, on October 5, 1974.

Mr. Davelder, who was affiliated with the National Teacher Education Project at Scottsdale, Arizona, was invited by the Secretary of the Air Force to conduct two workshops on "Teacher Training Skills" for DOD instructors and school teachers at Yokota Air Base, Japan, and then return to Phoenix, Arizona. We understand that this individual is not an employee of the Government. Government Transportation Request (GTR) T-0270870 was issued requesting jet coach accommodations for which charges of \$435.60 accrued. If the category "Z" fare applies, the charges reportedly would be \$159.90, or \$275.70 less than the charges paid.

The category "Z" fares in question are published in Local and Joint Military Passenger Fares Tariff MF-10, C.A.B. 230, which became effective on August 10, 1974, and were applicable on the date the transportation took place. Rule 2 of the tariff provides under paragraph (A) that the "Fares, charges and provisions in this tariff apply only to transportation of; (1) Military personnel and civilian employees of the Department of Defense . . ." when a Government Transportation Request is used in the procurement of the transportation. (Underscoring supplied). The term "civilian employees" is not otherwise defined in the tariff.


Chapter 57 of Title 5 of the United States Code, however, contains provisions relating to the travel, transportation

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and subsistence of personnel traveling for the Federal Government. On the date of this travel, section 5701 defined an employee as an individual employed in or under an agency. Separate provisions were provided in section 5703 for the travel of experts and consultants employed on an intermittent basis and individuals serving without pay or at \$1 a year. By section 2 the Travel Expense Amendments Act of 1975, Public Law 94-22, of May 19, 1975, 89 Stat. 84, the word "employee" for the purposes of the administration of travel allowances was enlarged to include an individual employed intermittently in the Government service as an expert or consultant and paid on a daily when-actually-employed basis and an individual serving without pay or at \$1 a year. See in this regard U.S. Code Congressional and Administrative News (94th Congress, 1st Session 1975), page 152.

Accordingly, the category "Z" fares cannot be applied on invitational travel by a private individual prior to the change in the law which enlarged the definition of an employee.

Since Mr. Devolder traveled under invitational orders and was not an employee of the United States, the category "Z" fare would not be applicable to the transportation he performed in October 1974.


Deputy Comptroller General
of the United States