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DECISION



J. Jacobs n. PLM I  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE: B-192043

DATE: August 11, 1978

MATTER OF: James F. Murdock - Claim for reimbursement  
for travel expenses in connection with Jury Duty

DIGEST: Employee served as juror in the Court of Knox County, Knoxville, Tennessee. State statute established a minimum fee payment of \$10 per day while giving counties authorization to increase that allowance and to reimburse jurors for travel expenses. County declined to authorize travel expenses and employee claims mileage and parking fees from the United States Government. Employee is not entitled to the travel expenses claimed either in the form of a reduction or offset against the remuneration paid over to the Government under 5 U.S.C. § 5515 or as travel allowances since the expenses claimed were incident to his duty as citizen of a State and not as an employee of the United States.

By a letter dated March 23, 1978, T. F. Thulstrup, an authorized certifying officer of the Department of Energy, requested our decision concerning a claim by James F. Murdock, an employee of the Department of Energy, for reimbursement for incremental expenses in connection with jury duty.

The record shows that Mr. Murdock served as a juror in the Court of Knox County, Knoxville, Tennessee, for 20 days during the period January 30 through March 8, 1978. For 15 of those 20 days, Mr. Murdock was able to report for his usual employment in addition to serving as a juror. On each of those days, Mr. Murdock made an automobile trip from his Knoxville residence to his office and return as well as a round trip to the courthouse.

Mr. Murdock received a flat allowance of \$10 per day from the court for his service. The total allowance of \$200 was credited against the Government salary which he received during the period of jury duty pursuant to 5 U.S.C. § 5515 (1976). Mr. Murdock argues that this \$200 amount should be reduced or offset by \$91.30 representing expenses incurred by him incident to his jury duty. Since the \$200 allowance has already been remitted to the claimant's office of employment, he has submitted a claim for reimbursement of those expenses. The amount claimed represents \$66.30 for mileage and \$25 for parking fees (20 days at \$1.25 per day). The claim for mileage arises from the necessity of the claimant to make two trips on 15 of the 20 days he served as a juror.

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Tennessee Code Annotated § 22-401 (cum. Supp. 1977) provides in pertinent part, that:

"Every regular juror, \* \* \*, is entitled to receive at least ten dollars (\$10.00) for each day's attendance. Provided that the legislative body of any county or the legislative body of the metropolitan government of any county having a metropolitan form of government may by vote increase this rate to an amount in excess of ten dollars (\$10.00) for each day's attendance and to be allowed all ferrriage and toll necessarily incurred in going to and returning from court and mileage at the rate of ten cents (10 ¢) per mile on the way from the home of the juror to the courthouse of the county where such juror is summoned and attends \* \* \*."

When a Government employee is entitled to leave for jury duty under 5 U. S. C. § 6322 (1976), the amount received from a State as fees for jury service is required by 5 U. S. C. § 5515 to be credited against the amount of compensation payable to the employee by the Government. That statute makes no provision for payment by the Government of travel expenses associated with State jury duty. Also, it does not provide for a reduction in the amount of jury fees to be credited against the employee's pay to provide for such expenses.

Pursuant to the terms of this statute, we have long held that an employee engaged in jury duty is required to remit all jury fees to the Federal Government, absent evidence that some specific portion of amounts paid by the State for jury service was intended by the State to be reimbursement for travel expenses. B-149898, November 20, 1962; B-119969, September 14, 1973.

The Tennessee statute distinguishes between a fee for service as a juror and reimbursement for expenses. While a fee of \$10 per day is mandatory, the payment of a greater fee, as well as the reimbursement of expenses, is left to the discretion of the county. The fact that Knox County has chosen not to provide for reimbursement of expenses does not change the characterization of the \$10 per day rate as a payment for service as a juror.

In summary, it is not proper for Mr. Murdock to retain or be refunded any part of his jury pay as travel or mileage expenses since no part of his juror's pay was specifically intended for the purpose of travel or mileage expense reimbursement.

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We have also considered the question whether the claim may be treated as a reimbursement for expenses rather than as a reduction or offset or retention of part of the jury fee as a credit against his Government pay.

Part 4 of chapter 1, Federal Travel Regulations (FPMR 101-7) (May 1973), supplements 5 U.S.C. § 5704 (1976) which provides for a mileage allowance and reimbursement of parking fees when an employee uses his privately owned automobile on official business. Under the statutory authority payment of an employee's travel expenses is authorized only when the employee is engaged on official business for the Federal Government. The court's selection of Mr. Murdock to serve as a juror was based on his status as a citizen of Tennessee and a resident of Knox County. When serving as a juror Mr. Murdock was engaged on official business of the Knox County Court and was in no way engaged on official business for the United States Government. If the State has made no provision for the payment of such expenses, then an employee of the Government should regard them as expenditures incident to duty as a citizen. B-176863, October 4, 1972; B-118969, September 14, 1973.

Accordingly, the full amount of the jury fees received by Mr. Murdock was properly credited against his pay and the voucher claiming mileage and parking fees may not be certified for payment.

  
Acting Comptroller General  
of the United States