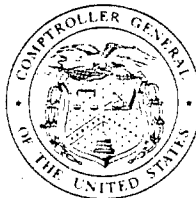


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**DECISION**



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

Entitlement to First-Class Air Fare

10,308

FILE: B-192347

DATE: May 29, 1979

MATTER OF: Henry G. Hastings - First-class air travel

**DIGEST:** Employee who canceled coach air reservation May 1, 1978, because he had not finished official business, was unable to secure coach reservation on next day when he finished official business and flew first class. Agency deduction of difference between coach and first-class fare from travel voucher was not improper. Employee did not try to obtain new reservation when he canceled first reservation and he is not entitled to reimbursement for first-class air fare under provisions of FTR para. 1-3.3d (1978).

This decision responds to a letter from Mr. Henry G. Hastings, who requests to know whether he is entitled to first-class air fare for travel while on official duty May 1-2, 1978, with the Forest Service, Department of Agriculture. In this connection the department has furnished us a report.

The issue is whether Mr. Hastings' use of first-class accommodations should have been approved under one of the exceptions to the general requirement that Federal employees fly less than first-class.

Mr. Hastings' permanent duty station was Albuquerque, New Mexico. In administering Forest Service contracts while on temporary duty, he traveled by Forest Service aircraft on May 1, 1978, between worksites at Coolidge, Payson, and Tuscon, Arizona. He had planned to complete this work by 3:30 p.m. on that date and return to Phoenix, Arizona, where he had reservations on Trans World Airlines Flight 150, scheduled for departure to Albuquerque at 7:25 p.m. However, a sudden rain storm prevented Mr. Hastings from visiting Payson, Arizona, on May 1. He therefore canceled his coach reservations for Flight 150 and arranged to visit Payson the following day, May 2. He flew to Payson by Forest Service aircraft on May 2, completed his work there, and landed at Phoenix airport at 2 p.m.

During the afternoon of May 2, Mr. Hastings attempted to obtain coach accommodations for return from Phoenix to Albuquerque that

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day. He checked Frontier Airlines, but its 2:55 p.m. flight was booked solid. He then attempted to obtain coach accommodations on Trans World Airlines Flight 150. But all coach space on Flight 150 was taken for May 2. Consequently, he took first-class accommodations on that flight.

Mr. Hastings obtained first-class accommodations because that was all that was available to him on May 2 after his arrival in Phoenix. The next plane after Trans World Airlines Flight 150 was a Frontier Airline's plane departing the next day, May 3, at 1:30 p.m. Rather than remain overnight in Phoenix, he decided to return to Albuquerque the evening of May 2 because his supervisor desired him to attend a training session there on the following day.

The Department of Agriculture deducted the difference between first-class and coach fare in the amount of \$26 from Mr. Hastings' reimbursable travel expenses. Its reasons were threefold: (1) Mr. Hastings should have attempted to obtain coach reservations for May 2 when he canceled the May 1 reservations, (2) the training session on May 3 was not of an urgent enough nature to justify first-class airfare, and (3) the cost savings by eliminating the per diem for a May 2 layover (estimated by employee to be at least \$9) did not warrant first-class travel.

The applicable statute concerning first-class accommodations is 5 U.S.C. § 5731 (1976). It states that transportation expenses may not exceed the lowest first-class rate unless under regulations prescribed by the President it is certified that lowest first-class accommodations are not available or other accommodations are required for security purposes. Also pertinent to the present case is 5 U.S.C. § 5733 (1976) by which Congress has provided that travel--

"shall be by the most expeditious means of transportation practicable and shall be commensurate with the nature and purpose of the [employee's] duties \* \* \*."

Concerning first-class air accommodations, the regulation implementing 5 U.S.C. § 5731 is paragraph 1-3.3d of the Federal Travel Regulations, as amended by FPMR Temporary Regulation

A-11, Supp. 5, March 8, 1978. Paragraph 1-3.3d reads, in pertinent part:

"d. Airline accommodations.

"(1) Policy. It is the policy of the Government that employees who use commercial air carriers for domestic and international travel on official business shall use less-than-first-class accommodations. \* \* \*

"(2) Authorization and approval of the use of first-class air accommodations.

"(a) \* \* \* Authority for authorizing and approving the use of first-class air accommodations shall be retained by the agency head, or his deputy, and shall not be redelegated. \* \* \*

\* \* \* \* \*

"(3) Use of first-class air accommodation. Circumstances justifying the use of first-class air accommodations are limited to those listed in (a) and (b), below.

\* \* \* \* \*

"(b) Agency authorization or approval required. The agency head \* \* \* or his deputy, may authorize or approve the use of first-class air accommodations when:

"(i) Space is not available in less-than-first-class accommodations on any scheduled flights in time to accomplish the purpose of the official travel, which is so urgent that it cannot be postponed;

\* \* \* \* \*


"(iii) First-class accommodations are required for security purposes or because

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exceptional circumstances, as determined by the agency head, or his deputy, make their use essential to the successful performance of an agency mission; \* \* \*."

Mr. Hastings has not shown that he attempted to obtain coach reservations for May 2 at the time he canceled his reservation the previous day. In fact, he says he sought coach reservations after he arrived in Phoenix at 2 p.m. May 2, 1978, for departure on that date. Since there is nothing in the record to show why Mr. Hastings could not have tried to obtain a coach reservation on May 1, we have no basis to disagree with the Department's holding that he did not make a timely effort. Therefore, he is not entitled to reimbursement of first-class fare and it is not necessary to consider the remaining reasons for the Department's deduction of \$26 from his travel voucher.

Accordingly, the Department of Agriculture's decision to deduct the extra cost of first-class accommodations from Mr. Hastings travel expenses was not improper.

  
Deputy Comptroller General  
of the United States