

**DOCUMENT RESUME**

**08045 - [C3530639]**

**[Government Not Responsible for Cost of Unused Accommodations Which Were Not Canceled]. B-192804. December 16, 1976. 3 pp.**

**Decision re: Richard E. Cunningham; by Robert F. Keller, Deputy Comptroller General.**

**Contact: Office of the General Counsel; Personnel Law Matters II.**

**Organization Concerned: Nuclear Regulatory Commission.**

**Authority: 5 U.S.C. 5702. 51 Comp. Gen. 453. 41 Comp. Gen. 780. B-181266 (1974). F.T.R. (FPMR 101-7).**

**A decision was requested regarding the propriety of reimbursing an employee for the cost of hotel accommodations which he failed to cancel when travel plans were changed. The Government is not responsible for the cost of the accommodations since the employee was timely advised to cancel the reservations, and there was no contractual agreement between the Government and the hotel. Also, the employee may not be reimbursed for additional travel expenses he charged. (RTU)**

**DECISION**



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

*Richard E. Cunningham*  
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**FILE: B-192804**

**DATE: December 18, 1978**

**MATTER OF: Mr. Richard E. Cunningham**

**DIGEST:** Where a hotel room is reserved by agency personnel for use of civilian employee traveling on official business from the United States to Salzburg, Austria, but where such personnel fail to cancel part of that reservation when timely advised to do so, and the civilian employee was required to pay for the uncanceled days in the absence of a valid contractual agreement between Government and hotel, the Government is not responsible for cost of the unused room nor may the employee be reimbursed for expenses charged and paid for by him in addition to travel per diem he has received.

This action is in response to a letter dated August 31, 1978, with enclosures, from the Director, Division of Accounting, United States Nuclear Regulatory Commission, requesting a decision as to the propriety of making payment on a voucher in the amount of \$103.40, in favor of Mr. Richard E. Cunningham, an employee of the Commission, representing reimbursement for the cost of hotel accommodations which were not cancelled when travel plans were changed.

The enclosures with the submission state that the employee was initially scheduled to perform travel to Salzburg, Austria, and Paris, France, on official Government business during the period April 30, 1977, to May 17, 1977. The stated purpose was to present a paper at a conference in Salzburg and attend a meeting in Paris. In preparation for this travel, the employee's hotel reservations in Salzburg were made through elements of the Energy Research and Development Administration (ERDA), the United States Liaison group at the conference responsible for accommodations for the United States delegation.

It is reported that due to the press of business at the office, the employee had to cancel the first week of official travel and on April 26 ERDA was notified of the change in travel plans. This message, however, was not transmitted by ERDA to their representative at the conference. When the employee did attend, he was charged 3 additional days lodging by the hotel.

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That portion of his travel voucher that represents payment by him for this charge was administratively disallowed. The basis for that disallowance was that the only recognized exception to the general rule that responsibility for making lodging reservations is on the traveler is when the Government contracts with a hotel and fails to cancel within a reasonable time, citing to decision B-181266, December 5, 1974.

In response to that disallowance, efforts were apparently made to establish that ERDA had in fact contracted with the hotel for a block of rooms for attendees at the conference. However, it was reported because of ERDA's absorption by the Department of Energy subsequent to the conference that various persons who performed the liaison duties at the conference had scattered. However, we have been recently advised that the hotel records indicate that there was no contract with the hotel for a block of rooms and that the accommodations reserved for Mr. Cunningham had been individually made for him through the American Embassy.

Section 5702 of title 5, United States Code, authorizes reimbursement of subsistence expenses of civilian employees incurred in the performance of official travel away from their post of duty or business in the form of per diem allowances. The implementing regulations, Federal Travel Regulations (FPMR 101-7, May 1973, as amended), provides in paragraph 1-7.1.b. that the cost of accommodations is considered to be an expense included in the per diem allowance.

We have held that where the Government contracts for hotel accommodations but fails to cancel those accommodations within a reasonable time prior to the requested date thereby effectively preventing their use by others, the Government will be liable to pay for the rooms. 51 Comp. Gen. 453 (1972); 41 Comp. Gen. 780 (1962).


In B-181266, supra, we held that where there is no contract between the Government and the hotel for a block of rooms, but rather involves a single reservation made on behalf of an employee traveler by agency personnel, the principle of 41 Comp. Gen. 780 was not for application and the Government is not obligated to pay for the unused reservation.

The situation in the present case, like that involved in B-181266, supra, relates to a reservation made by agency personnel for an

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individual and their failure to cancel on his behalf upon timely notice to do so. Therefore, the Government is not obligated to pay directly for the unused room. Further, the employee has been reimbursed for his travel costs in the form of travel per diem as authorized by law and regulation. There is no authority to authorize additional payments to him on account of the travel performed.

Accordingly, payment may not be made on the voucher.

  
Deputy Comptroller General  
of the United States