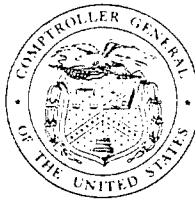


DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D.C. 20548

9048

FILE: B-192841

DATE: February 5, 1979

MATTER OF: Tyrone Brown - [Claim for Denied Boarding
Compensation]

DIGEST: FCC Commissioner traveled abroad on official business, and, after delay for personal reasons, he was delayed when return flight was oversold. Penalty payment by airline must be paid to Government and not to traveler. 41 Comp. Gen. 806 (1962). Furthermore, employees may not be reimbursed from private sources for expenses incurred incident to official travel.

This action is in response to a request for a decision from Wayne B. Leshe, an authorized certifying officer of the Federal Communications Commission (FCC), concerning the claim of Commissioner Tyrone Brown for denied boarding compensation which was paid to Commissioner Brown incident to his travel on official business.

The record indicates that Commissioner Brown was authorized to travel to Tokyo, Japan, to attend an International Communications Summit Conference from May 22 through May 26, 1978. Commissioner Brown's round trip airline ticket was purchased with a Government Travel Request. It appears that after Commissioner Brown completed his official business he excused himself from official duty and remained in Japan the following week. On June 3, 1978, Commissioner Brown was denied boarding on a Pan American Airlines return flight for which a reservation had been made, and he was paid "boarding compensation" in the amount of \$200.

The FCC requested that Commissioner Brown remit the amount to the Government pursuant to Government regulations which require that such compensation be paid directly to the Government. Commissioner Brown has requested an official ruling since he states that he was "bumped" on a Saturday, he traveled home on a Sunday, and it was he and not the Government which was damaged in this instance.

Under the provisions of the Federal Travel Regulations (FPMR 101-7) (May 1973), para. 1-3.5b, penalty payments made by air carriers for failing to furnish accommodations for confirmed reserved space are due the Government, not the traveler, when the payments result from travel on official business. See also FPMR 101-41, 41 C.F.R. 101-41, 209-4 (1977). This is a position which has long been held by our Office.

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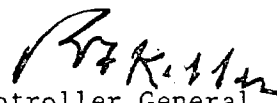
B-192841

See 41 Comp. Gen. 806 (1962); B-148879, August 28 and July 20, 1970; and B-151525, June 18, 1963.

Furthermore, our Office has consistently held that, in these and other circumstances, an employee may not be directly reimbursed from private sources for expenses incurred incident to the performance of official duty and that any payments tendered to the individual shall be viewed as having been received on behalf of the Government. 46 Comp. Gen. 689 (1967); 41 id. 806, supra; 36 id. 268 (1956); and B-148879, July 20, 1970.

In the present case, Commissioner Brown was returning from temporary duty, although after a delay for personal business, and he was traveling on a Government Travel Request. We believe Commissioner Brown was traveling on official business for the purposes of the regulation, and we find no exception under the regulation for travel during a nonworkday.

Accordingly, the claim may not be allowed and action should be taken to recover the indebtedness.


Deputy Comptroller General
of the United States