

P.L. 2

DECISION



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

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FILE: B-193937

DATE: March 14, 1979

MATTER OF: Wallace O. Green - ^[claim for] Taxicab Fares Between
Residence and Official Duty Station

Injuries

DIGEST: Deputy Under Secretary of the Department of the Interior, who usually worked at Department headquarters between 7 a.m. and 7 p.m. and traveled by public transportation between home and office, was injured in air crash while on official business in the Trust Territories. Although he had to travel to work at headquarters by taxicab for a month because of his injury, he is not entitled to reimbursement of taxicab fares and tips for such travel as travel did not fall under exception in paragraph 1-2.3e, FTR, to rule that official must commute to work at his own expense.

This case arises from a request by Mr. Richard S. Dawson, an authorized certifying officer of the United States Department of the Interior, for a decision as to whether a voucher in the sum of \$135 submitted by Mr. Wallace O. Green, Deputy Under Secretary of the agency, may be certified for payment. Mr. Green is claiming reimbursement for expenses incurred by him for taxicab fares and tips between his residence and official duty station during the period September 5 through 28, 1978. *pers. mem*

It is reported that prior to the incurrence of the claimed expenses, Mr. Green was on a temporary duty assignment in the Trust Territories. He was involved in the crash of an aircraft while performing official duties and sustained personal injuries in the crash. Upon return to the continental United States and while still under medical care, the employee's services were needed to address important policy matters at the Department. It was administratively determined to be in the agency's interest that Mr. Green report for duty at headquarters. The agency has determined that the use of taxicabs by the claimant under the circumstances was in the interest of the Government and was not for the personal convenience of the employee.

We have been informally advised by officials of the Department of the Interior that Mr. Green's regular duty hours are from 8 a.m. to 5 p.m. and that he usually works from 7 a.m.

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to 7 or 8 p.m. His usual method of transportation between residence and office is by public transportation. The employee's physician recommended that he commute between home and office by use of taxicab during the period the claimed expenses were incurred. It has been reported that during this period, Mr. Green was not able to work a full 8-hour day due to the injuries that he had sustained in the airplane crash.

The established rule, as stated in numerous decisions of this Office, is that an employee must bear the cost of transportation between his residence and his place of duty at his official station, absent statutory or regulatory authority to the contrary. B-191989, December 29, 1978, published at 58 Comp. Gen. 55 id. 1323, 1327 (1976); 46 id. 718 (1967); 36 id. 450 (1956); 27 id. 1 (1947); 16 id. 64 (1936); 11 id. 417 (1932); Matter of George F. Clark, B-190017, May 1, 1978; Matter of Richard F. Bollinger and Adam E. Muckenfuss, B-189061, March 15, 1978; Matter of Department of Agriculture Meat Graders, B-131810, January 3, 1978; and Matter of Carl P. Mayer, B-171969.42, January 9, 1976.

A limited exception to this rule is contained in paragraph 1-2.3e of the Federal Travel Regulations (FTR) (FPMR 101-7) (May 1973) where it is stated as follows:

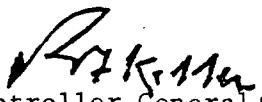
"Between residence and office in cases of necessity. Reimbursement for the usual taxicab fares paid by an employee for travel between office and home may be authorized or approved incident to the conduct of official business at an employee's designated post of duty when the employee is dependent on public transportation for such travel incident to officially ordered work outside of regular working hours and when the travel is during hours of infrequently scheduled public transportation or darkness. Agencies are expected to establish stringent administrative controls at sufficiently high levels which ensure that reimbursements are authorized only when justifiable and when all circumstances set forth herein are met."

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As drafted the regulation is directed specifically at the transportation situation of an employee who is required to remain late at his office to perform overtime work after his regular duty hours. While Mr. Green normally used public transportation between home and office and the work performed by him during the period in question was officially ordered, the record does not disclose that such work was performed outside of his regular working hours (8 a.m. to 5 p.m.), nor that the travel was performed during hours of infrequently scheduled public transportation or darkness.

It is clear from the above regulation that the validity of administrative approval of reimbursement for taxicab fares paid incident to travel between an employee's home and office at his official duty station is dependent upon compliance with the circumstances therein described. B-182986, February 19, 1975. We are fully cognizant that the use of taxicabs by Mr. Green was necessitated by the injuries he sustained while performing his official duties and that the use of taxicabs was recommended by his physician. However, there is no legal authority for administrative approval of the travel expenses incurred by him nor are we aware of any statute or regulation which authorizes the claimed reimbursement.

Accordingly, the claim by Mr. Green for reimbursement for expenses incurred by him for taxicab fares and tips between his residence and official duty station may not be allowed. The voucher, which is returned, may not be certified for payment.


Deputy Comptroller General
of the United States