

11394

PLM-11
M. P. K. B. R. C. F.

DECISION



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

[Request for Reimbursement of

FILE: B-194061

DATE: September 12, 1979

MATTER OF: Richard J. Waldman--Relocation, ^{and} Transportation expense]

- DIGEST: 1. Employee of the Department of Defense *AGC00005* is entitled to a miscellaneous expense allowance for relocation of a household only in the amount of \$100, when his family relocated approximately 1 year before the employee and some 10 months prior to the issuance of return permanent change of station orders. The employee is entitled to be reimbursed only at "without dependents" rate since there is no indication that the family established the new residence on their early return in connection with the employee's transfer almost a year later.
2. There is no basis for payment of a per diem on account of travel performed by the employee's immediate family in the year prior to the employee's transfer. Thus, any per diem that was paid for the return of the employee's dependents prior to his transfer represents an unauthorized expenditure, and action should now be taken to collect that amount.
3. An employee who was authorized the use of a privately owned vehicle for travel upon his return to the United States, may nevertheless be reimbursed on a pro rata share the cost of a rental vehicle for travel between the airport and his place of residence, not to exceed the usual taxicab-limousine cost since on his return he had no private vehicle at his disposal.

This action concerns the reimbursable travel and transportation allowances of a civilian employee of the Department of

~~006968~~

B-194061

Defense whose family was authorized early return to the continental United States. An advance decision has been requested on the following issues:

1. What is the proper miscellaneous expense allowance for relocation of a household that a civilian employee of the Department of Defense is entitled to when his family relocates approximately one year before the employee and some ten months prior to the issuance of return permanent change of station orders?
2. Shall action now be taken to collect the per diem that was paid for the return travel of the dependents under the circumstances above?
3. What is the proper reimbursement to an employee whose travel orders authorized the use of a privately owned vehicle, but who rented a car for travel between the passenger terminal and his temporary place of residence?

The request for a decision on these issues was submitted by W. Smallets, Chief, Finance and Accounting, National Security Agency, and has been assigned PDTATAC Control No. 79-2 by the Per Diem, Travel and Transportation Allowance Committee.

In compliance with his permanent change of station orders dated June 20, 1978, Richard Waldman, a civilian employee of the Department of Defense arrived from overseas at his new duty station, Fort Meade, Maryland, in August 1978. These orders indicated that his family had returned from the overseas station in August 1977 under orders authorizing early return of dependents. The employee did not join his dependents upon his arrival because he and his wife were separated. The employee claimed miscellaneous expense allowance in the amount of \$200, but was reimbursed only in the amount of \$100 on the basis of Comptroller General decision B-164948, October 18, 1968.

B-194061

With respect to miscellaneous expense allowance in connection with the relocation of a household the Joint Travel Regulations, Volume 2, provides:

"C9002 ELIGIBILITY. A miscellaneous expense allowance will be payable to an employee for whom a permanent change of station is authorized or approved, when he has discontinued and established a residence in connection with such change of station, regardless of where the old or new duty station is located, provided an appropriate agreement is signed.

"C9003 AMOUNT ALLOWABLE

"1. MINIMUM. Allowances in the following amounts may be paid without being supported by receipts or itemized statements indicating the nature of cost or expenses being reimbursed:

1. \$100 or the equivalent of 1 week's basic compensation, whichever is the lesser amount, for an employee without dependents;
2. \$200 or the equivalent of 2 weeks' basic compensation, whichever is the lesser amount, for an employee with dependents. * * *

In interpreting similar language of section 3.1 of the Bureau of the Budget Circular No. A-56, Revised October 12, 1966 (superseded)--now Part 3, Allowances for Miscellaneous Expenses--Federal Travel Regulations (FPMR 101-7) (May 1973) (FTR)--we stated in Comptroller General decision B-164948, October 18, 1968, that an employee who upon official change of station merely joined his family at the residence previously established by them on their early return was only entitled to the miscellaneous expense allowance of \$100 as an employee without immediate family. In order for an employee to be entitled to the miscellaneous expense allowance at the "with

B-194061

dependents" rate, the employee's family must discontinue a prior residence and establish a new residence in connection with the employee's transfer. See decision B-184558, August 12, 1976.

In the present case there is no indication that the family on their early return established their new residence in connection with the employee's transfer almost a year later. Accordingly, the payment of miscellaneous expense allowance in the amount of \$100 was proper.

With respect to the per diem for dependents the Joint Travel Regulations, Volume 2, paragraph C-7006-1, provides:

"1. TRAVEL EN ROUTE BETWEEN EMPLOYEE'S OLD AND NEW DUTY STATIONS

a. General. A per diem allowance will be authorized for the employee's dependents for travel between the old and new duty stations when an employee is transferred, regardless of where the old and new stations are located.

* * *

In interpreting similar language of section 2.2b of the Bureau of the Budget Circular No. A-56, Revised October 12, 1966 (superseded)--now Part 2, Allowances for Subsistence and Transportation--FTR--we held in B-169948, that there was no basis under that section for payment of per diem on account of authorized travel performed by the employee's immediate family in the year prior to the employee's transfer. Accordingly, any per diem that was paid for the return of Mr. Waldman's dependents prior to his transfer represents an unauthorized expenditure, and action should now be taken to collect that amount.

The employee also claimed reimbursement in the amount of \$16.43 for the cost of a rented car for 1 day's travel between Dulles Airport, Virginia, and his temporary place of residence, Laurel, Maryland. This amount represents a 1-day prorated share of the cost of the rented car for the 2-week period it was retained by the employee. The employee indicates that

B-194061

although he was authorized the use of a privately owned vehicle (POV) upon his return, he had no vehicle at his disposal in which to make the trip. He was reimbursed at the POV rate of 8 cents per mile for travel from the airport to his temporary place of residence, a distance of 50 miles. The claim for the rented car was not reimbursed as the orders did not authorize such travel and neither the Federal Travel Regulations nor the Joint Travel Regulations, Volume 2, provides specific guidance with respect to the use of rental car for traveling to and from common carriers terminals in connection with either permanent or temporary duty travel.

Federal Travel Regulations paragraph 1-2.3c provides for the reimbursement for the cost of travel from an airport to a place of residence as follows:

"c. To and from carrier terminals. Reimbursement will be allowed for the usual taxicab and airport limousine fares, plus tip, from common carrier or other terminal to either the employee's home or place of business, from the employee's home or place of business to common carrier or other terminal, or between an airport and airport limousine terminal. However, an agency shall, when appropriate, restrict the use of taxicabs hereunder or place a monetary limit on the amount of taxicab reimbursement when suitable Government or common carrier transportation service, including airport limousine service, is available for all or a part of the distance involved."

Under the above regulation, Mr. Waldman could be reimbursed for the usual taxicab and limousine fares from Dulles Airport to Laurel, Maryland. Mr. Waldman reports taxicab fare for the trip was quoted to him to be \$28. However the record does not show the cost of limousine service from the airport to Washington and then taxicab fare to Laurel, Maryland. The record notes that Mr. Waldman upon his return had no privately owned vehicle at his disposal in which to make the trip. Accordingly, under the circumstances we would not object to Mr. Waldman being reimbursed on a pro rata basis the cost of the rented car for

B-194061

the part of the trip from the airport to Laurel, Maryland (\$16.43 as claimed) not to exceed the usual taxicab-limousine cost. See decision B-186115, February 4, 1977.



Deputy Comptroller General
of the United States