

DECISION



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

10,511

FILE: B-194254

DATE: June 18, 1979

MATTER OF: James H. Lewis *[Claim for]* Mileage and Per Diem

- DIGEST: 1. Department of State employee traveled by privately owned vehicle (POV) from Copenhagen, Denmark, to Southampton, United Kingdom, and claimed 902 miles for trip. GAO Claims Division assumed that <sup>the</sup> figure claimed was in kilometers ~~since mileage appeared excessive and therefore~~ *and* allowed payment for 559 miles. Employee may be allowed payment for 724 miles as "Official Table of Distances, Foreign Travel" gives that as mileage on shortest, usually traveled route.
2. GAO Claims Division denied Department of State employee per diem from noon, September 5, until noon, September 6, 1973, at port of arrival, New York City, on his return from overseas as he was not authorized rest stop. Employee arrived in New York at 9 a.m. on September 5 but did not clear customs until afternoon. He states it was not possible to arrange for car rental and the shipment of baggage in remaining time so he stayed overnight in New York and proceeded at 9 a.m. the next day. In view of the employee's explanation and in light of 6 FAM 156.4, March 30, 1973, payment of per diem is now allowed.

Mr. James H. Lewis, a former employee of the Department of State, has appealed our Claims Division's denial of his claim for certain mileage and per diem allowances incurred incident to separation travel which he performed from Helsinki, Finland, to San Marino, California.

The mileage claim involves travel by privately owned automobile from Copenhagen, Denmark, to Southampton, United Kingdom, from December 15 to December 18, 1972. The distances covered by ferries are not included in mileage computation. See 6 Foreign Affairs Manual (FAM) 145.4-3, April 27, 1972.

Mr. Lewis claimed his odometer read 62814 when he started in Copenhagen and it read 63716 on arrival in Southampton, giving

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a total of 902 miles for the trip. Our Claims Division stated that the "902 miles claimed for driving in Europe appear to be 902 kilometers and have been adjusted to 559 miles." Mr. Lewis insists his odometer reads in miles and he should be paid the full mileage claimed.

The pertinent regulation concerning the computation of mileage reads:

"When travel is performed by a privately owned motor vehicle, distances are to be determined by use of standard highway mileage guides or by speedometer readings. Any substantial deviation from distances shown in the standard highway mileage guides shall be explained. \* \* \*"  
6 FAM 145.4-1, April 27, 1972.

The Department of State uses guides issued by the agencies of the Department of Defense for computing mileage. According to the "Official Table of Distances, Foreign Travel," Army Regulation 55-61, effective September 1, 1972, the mileage distance for driving from Copenhagen to Southampton is 724 miles. The distances given in the "Official Table of Distances, Foreign Travel" have been based on the shortest, usually traveled, highway routes as shown on the latest available highway maps. Accordingly, Mr. Lewis is entitled to mileage for an additional 165 miles. We assume, since no explanation has been given to the contrary, that the mileage traveled by Mr. Lewis in excess of 724 was due to circuitous travel on his part and therefore that portion of his claim may not be paid. See 6 FAM 131.3-2c and 131.3-1, September 6, 1972. Cf. B-162662, November 8, 1967, where payment for excess mileage was made when an adequate explanation for the deviation was furnished.

Our Claims Division also denied Mr. Lewis per diem from noon, September 5, until noon, September 6, 1973, since he was not authorized a rest stop in New York City upon his arrival from overseas. Mr. Lewis states that although he arrived at the pier in New York at 9 a.m. on September 5, 1973, he did not clear customs until the afternoon of that day. He argues that the per diem in question was not claimed on the basis of a rest stop but because it was not possible to arrange for car rental and the shipment of baggage in the time remaining on September 5. He

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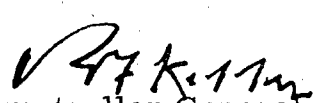
also states that it was the Department of State's practice to allow up to 24 hours between the time of arrival by ship and departure from New York by another means of transport. Therefore, he spent the night in New York and continued his journey at 9 a.m. the following day.

The Department of State's regulation pertinent to the disputed per diem claim states:

"Per diem is allowed for only such periods awaiting onward transportation as are reasonably necessary under the circumstances. The travel voucher should contain an explanation of the circumstances necessitating any waiting period in excess of 12 hours at transfer points in the United States and 24 hours at transfer points abroad. Not more than 5 days' per diem will be paid while awaiting ship transportation."  
6 FAM 156.4, March 30, 1973.

In view of Mr. Lewis' explanation and in light of the above regulation the per diem for the 24 hours claimed is now allowed.

A supplemental settlement in accordance with the above will be processed in due course.

  
Acting Comptroller General  
of the United States