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DECISION



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

[Payment of Reclaim Voucher for Per Diem Expenses]

FILE: B-195638

DATE: September 14, 1979

MATTER OF: Doyt Y. Bolling - Reclaim for per diem expenses

DIGEST: Employee of the Federal Highway Administration is entitled to a per diem rate based on the lodgings-plus method when he transported and stayed in his camper during a temporary duty assignment. He is not entitled to a higher per diem rate even though had he traveled by air he might have incurred higher lodging costs which may have consequently resulted in a higher per diem rate.

The issue to be decided in this case is what per diem rate is to be used for reimbursement when an employee transports and stays in his camper in accomplishing his temporary duty assignment.

The issue was presented by letter dated July 24, 1979 (reference HEF-08) from Joseph R. Ruland of the Federal Highway Administration, Department of Transportation, Denver, Colorado, concerning a reclaim voucher submitted by Doyt Y. Bolling.

Mr. Bolling, a Federal Highway Administration employee, was authorized by his travel order to use his privately owned vehicle for his temporary duty assignment of conducting a permanent management review of the Montana Highway Department. The travel order authorized a per diem rate not to exceed \$35 per day. In addition to traveling in his vehicle, Mr. Bolling transported and stayed in his camper during the assignment. Leaving Denver, Colorado, on May 31, 1979, and taking 2 days' annual leave en route, Mr. Bolling arrived in Helena, Montana, on June 3, 1979. After completion of his review, Mr. Bolling departed Helena on June 8, 1979, and arrived in Denver on June 10.

On his travel voucher, Mr. Bolling's actual expenses are figured on a \$25 per diem rate for 10 days with an average lodging cost of \$8.25 per day. The average lodging cost was determined on the basis of his 10 days' stay in his camper at various compounds while traveling to and from, and during his temporary duty assignment.

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Pursuant to his interpretation of DOT Order 1500.6 ✓
para. 831(c)(1), Mr. Bolling reconstructed his costs using air travel as a comparison; per diem costs are reconstructed on a rate of \$35 times the 5-1/2 days of traveltime for the assignment for a total reconstructed per diem amount of \$192.50. Mr. Bolling reasons that had he traveled by air he would have incurred the \$35 rate and is thus entitled to reconstruct his cost using the \$35 per diem rate.

The Federal Highway Administration revised the cost comparison per diem from the \$35 rate to that rate actually incurred (\$25) times the number of days which would have been allowable had he flown (5-1/2) based on the Federal Travel Regulations (FTR) (FPMR 101-7, ✓
para. 1-4.3) and DOT Order 1500.6, para. 831(c)(2). The action resulted in a \$55 reduction in the cost comparison amount, the amount for which Mr. Bolling has submitted a reclaim voucher.

With respect to per diem allowances, both FTR para. 1-4.3 and ✓
DOT Order 1500.6, paragraph 831(c)(1), change 8, July 8, 1977, provide that the constructive per diem should be the amount which would have been allowable if the traveler had used the carrier upon which the constructive transportation costs are determined, in this case air travel, as the points of travel are connected by air.


However, paragraph 1-7.3c(1) of the FTR provides that when ✓
lodgings are required, per diem shall be established on the basis of the average amount the traveler pays for lodging, rounded to the next whole dollar, plus an allowance of \$16 for meals and ↗
miscellaneous expenses. Para. 1-7.2 of the FTR limits the maximum per diem to \$35 for official travel within the limits of the continuous United States. This is the lodgings-plus system of computing per diem.

It may be true that had Mr. Bolling traveled by air he might have incurred higher lodging costs and may have been entitled to a higher per diem rate than that allowed by the Federal Highway Administration. However, we have held that the only lodging expenses which may be reimbursed to a traveler are those that he actually paid for in connection with his official travel. See decision B-191559, December 8, 1978. ✓

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The Federal Highway Administration action in reducing the constructive per diem rate to \$25 based on average lodging costs of \$8.25 is in accord with the above paragraphs of the FTR. Under these circumstances the reclaim travel voucher submitted by Mr. Bolling may not be paid.

Deputy


Comptroller General
of the United States