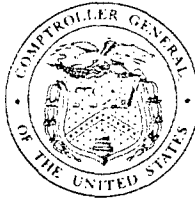


DECISION

12905 PLMI
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-195764

DATE: February 20, 1980

MATTER OF: David Houseworth - Relocation Expenses

DIGEST: Employee of Fish and Wildlife Service who delayed travel for two days due to severe snowstorms and "no travel" advisories while enroute to new permanent duty station by POV, may be reimbursed per diem for those days. However, for remainder of trip employee averaged less than 350 miles minimum driving distance per day prescribed by agency. For those days his per diem is limited to number of days it would have taken him to travel between his old and new station at the minimum daily mileage rate.

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00377 - This action is in response to a request from Mr. John E. O'Grady, an Authorized Certifying Officer with the Fish and Wildlife Service, Department of the Interior, for an advance decision regarding Mr. David Houseworth's claim for additional per diem.

Mr. Houseworth, a Fishery Biologist, was transferred from Bismarck, North Dakota, to East Lansing, Michigan, and began permanent change of station travel with his family by privately owned automobile on January 13, 1979. While en route, on both January 14 and January 17, he was unable to travel due to severe snowstorms. Mr. Houseworth was authorized per diem for himself and his family but the Fish and Wildlife Service denied his per diem claim for the days he did not travel. The Service based its determination on paragraph 2-2.3d(2) of the Federal Travel Regulations (FTR) which provides as follows:

"Maximum allowance based on total distance. Per diem allowance shall be paid on the basis of the actual time used to complete the trip, but the allowances may not exceed an amount computed on the basis of a minimum driving distance per day which is prescribed as reasonable by the authorizing official and is not less than an average of 300 miles per calendar day."

As permitted by the FTR, the Fish and Wildlife Service has prescribed a minimum driving distance of 350 miles per day.

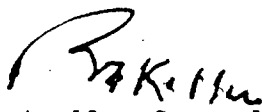
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The above regulation serves to set a maximum limitation on the reimbursement of per diem to an employee performing travel incident to a transfer and would ordinarily preclude payment of per diem for any day, including nonworkdays, during which he did not travel. We have stated, however, that delays due to weather or road conditions would be for consideration. See B-163654, June 22, 1971. Accordingly, since Mr. Houseworth states that he did not travel due to the travel advisories of the North Dakota and Michigan State Police and his statements are uncontroverted, we would have no objection to the payment of per diem for those days he did not travel.

However, it appears from the record that when he was traveling Mr. Houseworth did not meet the Fish and Wildlife Service's requirement of 350 miles per day. When an employee travels less than the minimum prescribed distance, we have held that he is entitled to per diem only for the number of days it would have taken him to travel by the usual route between his old and new stations at the minimum daily rate. See B-114826, May 7, 1974; B-175436, April 27, 1972; and B-169065, March 17, 1970. Therefore, while Mr. Houseworth may receive per diem for the days he did not travel, his per diem for the remainder of the trip should be calculated in accordance with the above cited cases.


Deputy Comptroller General
of the United States