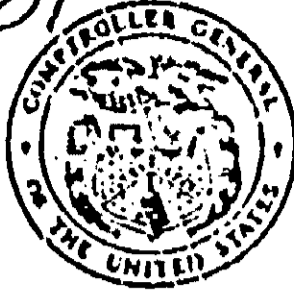


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**DECISION**



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

20871

**FILE:** B-201894

**DATE:** February 23, 1982

**MATTER OF:** Danny Sarine - Commuting and Lodging Expenses

- DIGEST:**
1. Employee who stayed at a second family residence while performing temporary duty may not use the average cost of maintaining that residence for lodgings portion of his per diem. The only lodging expenses incurred by a traveler which may properly be paid are those which are incurred by reason of travel and are in addition to the usual expenses of maintaining a residence.
  2. Employee on temporary duty stayed at second family residence, drove to temporary duty site and claimed constructive per diem in lieu of mileage reimbursement, which was higher. Reimbursement for commuting expenses to a temporary duty station may be paid not to exceed the per diem and travel expenses which would have been allowable had the employee lodged in the immediate vicinity of his temporary duty station.

This decision responds to a request by a certifying officer of the Department of Energy concerning a reclaim voucher submitted by Mr. Danny Sarine involving expenses incurred while staying at a second family residence while on temporary duty. For the reasons set forth below, we hold that the employee may be reimbursed for his mileage expenses in an amount not to exceed the per diem payable had he obtained lodging in the immediate area of his temporary duty station.

Mr. Sarine, a Department of Energy (DOE) auditor, stationed in Oklahoma City, Oklahoma, submitted a voucher for expenses incurred while on temporary duty during the month of July 1980. Mr. Sarine and his wife maintained an apartment in Dallas, Texas, as well as in Oklahoma City. While on temporary duty in Ardmore, Oklahoma, Mr. Sarine commuted between Ardmore and Dallas on several

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occasions. On his original voucher Mr. Sarine claimed per diem reimbursement for the days he commuted to Dallas by the following method. He computed the per diem costs that would have been incurred if he had stayed in Ardmore and compared that to his commuting expenses. Since the hypothetical per diem costs (\$34) for staying in Ardmore were less than the actual mileage reimbursement for the round-trip between Ardmore and Dallas (198 miles at 20 cents per mile for a total of \$39.60), he claimed \$34 per day. However, the DOE did not pay his commuting costs from Dallas to Ardmore and limited payment to per diem using the average lodging cost actually incurred for the period covered by the voucher, with the nights spent in Dallas computed as "zero cost-of-lodging" nights.

Mr. Sarine then submitted a reclaim voucher based on expenses incurred for the apartment in Dallas in which he claimed \$14.20, the average daily cost of the apartment, as the cost of lodging for each night he stayed in Dallas. The certifying officer requests our decision regarding the allowability of the apartment expenses claimed by Mr. Sarine.

The general rule, as set forth in Bornhoft v. United States, 137 Ct. Cl. 134 (1956) is that the only lodging expenses incurred by a traveler which may properly be reimbursed are those which are incurred by reason of travel and are in addition to the usual expenses of maintaining a residence. See Sanford O. Silver, 56 Comp. Gen. 223 (1977). Here the costs of renting the apartment in Dallas were incurred by reason of Mr. Sarine's desire to maintain a second residence and not because of his travel. Since the rent, utilities and telephone payments would have been made irrespective of his travel, Mr. Sarine may not be reimbursed for these expenses. Fred Frishman, B-186643, May 9, 1977.

Accordingly, Mr. Sarine's reclaim voucher may not be certified for payment.

However, we have held that reimbursement for commuting expenses to a temporary duty station may be paid not to exceed the per diem and travel expenses which would have been allowable had the employee lodged in the immediate vicinity of his temporary duty station.

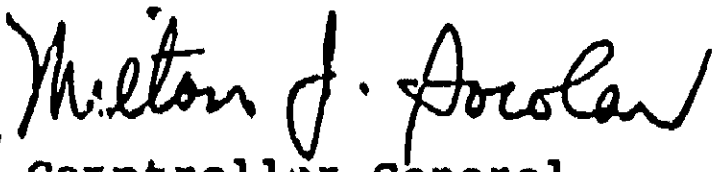
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B-178558, June 20, 1973; Roland E. Groder, B-192540,  
April 6, 1979. -

We note that Mr. Sarine's travel orders authorized travel by privately owned vehicle. In Mr. Sarine's original voucher he claimed \$34 per day in lieu of \$39.60 in mileage reimbursement for commuting from Ardmore to Dallas. Therefore, since Mr. Sarine's constructive per diem cost is lower than his commuting costs, Mr. Sarine's constructive per diem may be paid.

We have also held that in applying this rule, agencies may administratively limit the employee's choice of lodging location so that unusual commuting times do not adversely affect work performance. At this time the record does not show that the commuting effected Mr. Sarine's work performance. Therefore, there is no further impediment to the payment of Mr. Sarine's claim.

Accordingly, the vouchers are returned for payment within the above-stated rules.

*for*   
Comptroller General  
of the United States