

19006 *Schneider*



**DECISION**

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

**FILE:**B-203010

**DATE:** August 4, 1981

**MATTER OF:**Donald R. Mitchell - Use of Foreign Air Carrier

**DIGEST:**Traveler's certificate or memorandum stating that service by certificated air carrier was unavailable is not sufficient in itself to allow reimbursement for use of noncertificated carrier. Under Comptroller General's guidelines reasons for use of foreign carrier must be adequately explained. Decisions of Comptroller General contain further guidelines regarding adequacy of reasons for taking a foreign carrier. The Joint Travel Regulations which require "a determination of unavailability by the transportation or other appropriate officer and the standards set forth in those regulations are in keeping with the Comptroller General's guidelines and reimbursement cannot be allowed unless they are followed.

Mr. Donald R. Mitchell, a civilian employee of the Defense Logistics Agency (DLA), appeals the denial of his [claim for reimbursement of round trip fare] for use of a foreign air carrier in connection with his travel between Washington, D.C., and Brussels, Belgium. In a settlement certificate dated March 6, 1981 (Z-2828694), our Claims Group disallowed the claim for failure to present proper certification. We find that Mr. Mitchell has not adequately explained the need for using a foreign air carrier and we therefore must sustain the disallowance of his claim.

As a basis for his request for reconsideration Mr. Mitchell has forwarded a certificate in the form prescribed by Department of Defense regulations, completed and signed by Mr. Mitchell himself. As justification for his travel by foreign air carrier, Mr. Mitchell states: "The certified U.S. carrier through service provided from Washington to Brussels\* \* \* was unavailable and total delay to take these flights would involve more than 48 hours in excess of that which would have been incurred in connection with use of non-certified service."

~~017464~~ 115986

A certificate by the traveler stating that his use of foreign carriers was necessary is not in itself sufficient to authorize reimbursement for the cost of his flight. The "Fly America" provisions of 49 U.S.C. 1517 (1976), prohibit us from allowing any expenditure from appropriated funds for transportation of personnel or cargo on a non-certificated (foreign flag) air carrier in the absence of satisfactory proof of its necessity. Our guidelines of March 12, 1976, which were in force at the time, required submission of a certificate or memorandum with each voucher for foreign air travel adequately explaining the reasons why certificated air carriers were unavailable. Those guidelines have been amplified in various decisions, especially 55 Comp. Gen. 1230 (1976).

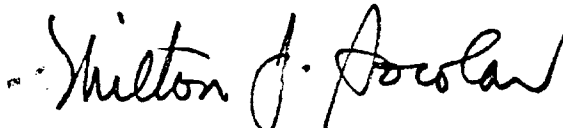
In keeping with the statute, and the Comptroller General's guidelines and decisions, paragraph C2204-2d of Volume 2 of the Joint Travel Regulations (2 JTR) requires a determination by the transportation or other appropriate officer that certificated air carriers are unavailable. The determination of unavailability is required to be made in accordance with the standards set forth in 2 JTR para. C2204-2. That regulation reflects the Comptroller General's guidelines and decisions implementing the Fly America Act.

In this case, the transportation officer who authorized Mr. Mitchell's temporary duty travel refused to certify that travel by non-certificated air carriers was necessary. He does not dispute Mr. Mitchell's claim that direct service by U.S. air carrier between Washington and Brussels was unavailable at the time he attempted to obtain reservations. Apparently this was because there was no direct air service between Washington and Brussels. In any case, refusal to certify the unavailability of U.S. air carrier service was based on the fact that Mr. Mitchell's travel to Brussels should have been routed by U.S. air carrier between Washington and London in accordance with 2 JTR para. 2204-2e. That regulation reflects our holding at 55 Comp. Gen. 1230 (1976), regarding the routing of travel when U.S. air carriers do not provide through service between an employee's origin and destination. In such case, the traveler is required to use U.S. air carrier service available at origin to the furthest practicable interchange point on a usually

B-203010

traveled route. When the origin point is not served by U.S. carrier, a foreign air carrier should be used to the nearest practicable interchange point to connect with U.S. air carrier service.

Since U.S. air carrier service was available for a substantial portion of the travel (Washington to London), we find that Mr. Mitchell was correctly assessed a penalty for his travel by foreign air carrier. See 56 Comp. Gen. 209 (1977). Mr. Mitchell's claim for the amount of that penalty is therefore disallowed.

A handwritten signature in black ink, reading "Milton J. Fowler". The signature is written in a cursive style with a large, prominent initial "M".

Acting Comptroller General  
of the United States