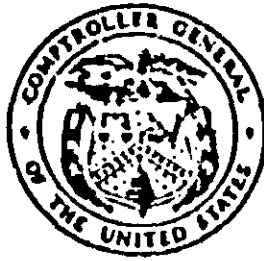


DECISION



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

YAC
118697

FILE: E-205696

DATE: June 15, 1982

MATTER OF: Philip J. Sullivan - Weekend personal travel

DIGEST: Employee whose official duty station was Birmingham, Alabama, and who was performing temporary duty in Washington, D.C., traveled to Portland, Maine, over the weekend for personal reasons. Employee may not be reimbursed actual transportation expenses to and from Portland since such travel was not to the employee's headquarters or place of abode under FTR, para. 1-8.4f. While the location at which an employee chooses to spend his nonworkdays while in a travel status is of no particular concern to the Government insofar as it does not interfere with the performance of his assigned duties, his entitlement to per diem or actual subsistence expenses as authorized continues unless otherwise restricted under FTR, para. 1-7.5c or FTR, para. 1-8.4f. However, this does not entitle the employee to reimbursement of transportation costs incurred for personal reasons.

The issue presented is whether an employee on temporary duty may be reimbursed for the comparative cost of weekend travel expenses from his temporary duty station to a location other than his headquarters or place of abode. Application of the analysis in our recent decision Lewis T. Moore, B-198827, August 3, 1981, precludes favorable consideration of this reimbursement theory.

Mr. G. J. Pellon, an authorized certifying officer of the Internal Revenue Service (IRS), requests an advance decision on the propriety of paying the claim of Mr. Philip J. Sullivan, an employee of the Birmingham District, IRS. Mr. Sullivan, whose headquarters and place of abode were Birmingham, Alabama, performed temporary duty in Washington, D.C., between August 17 and 28, 1981. On Friday, August 21, 1981, Mr. Sullivan commenced weekend personal travel, flying to Portland,

Maine, from which he returned on Sunday, August 23, 1981. The round-trip air fare from Washington to Portland was \$222. Since Mr. Sullivan stayed with relatives in Portland and has claimed no subsistence expenses for the time spent in Maine, he estimates his savings to the Government at \$128.52, which equals 2 days at the average actual subsistence expenses he was receiving during the prior week.

Mr. Sullivan claims the amount of \$128.52 as a comparative cost computation in connection with the purchase price of his airline ticket. The question presented is whether the transportation cost for the round-trip travel to Portland and return to Washington may be reimbursed through the comparative cost and cost-savings computation. Consistent with the following analysis from the Moore decision cited above, such a computation is not appropriate in the circumstances of Mr. Sullivan's claim, and his claim may not be allowed.

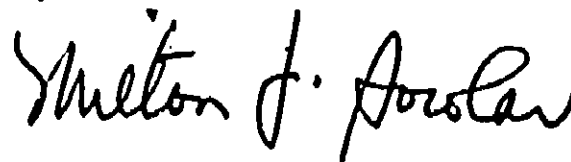
Under the authority of the Federal Travel Regulations FPMR 101-7 (May 1973) (FTR), paragraphs 1-7.5c and 1-8.4f, an employee on temporary duty may voluntarily return on nonworkdays to his official station or place of abode and be reimbursed for transportation and per diem not to exceed the per diem and travel expenses which would have been allowed had the employee remained at his temporary duty station.

Here, as in the Moore case, the certifying officer's question is whether Mr. Moore may be reimbursed the transportation expenses he incurred in traveling on the weekend to and from Portland. This is based on his doubt as to whether the particular travel situation comes within the purview of FTR para. 1-8.4f. As indicated above, that paragraph authorizes reimbursement of round-trip transportation expenses and actual subsistence en route incident to an employee's voluntary return to his residence or official station on nonworkdays, limited to the necessary travel and subsistence expenses which would have been allowable if the traveler had remained at his temporary duty station. By its terms that provision is limited in application to instances in which the employee returns to his "official station or his place of abode from which he commutes daily to his official station." Its inclusion in the travel

regulations is attributable to the long-standing principle expressed at FTR para. 1-7.6a that neither per diem nor subsistence expenses may be allowed at the employee's permanent station or place of abode. Where an employee on temporary duty travels on his nonworkdays to a location other than his headquarters or residence the provision in FTR 1-8.4f for reimbursement of round-trip transportation and actual subsistence en route does not come into play.

We agree with Mr. Sullivan's contention that the location at which an employee chooses to spend his nonworkdays while in a travel status is of no particular concern to the Government insofar as it does not interfere with the performance of his assigned duties. At the same time, the employee's entitlement to per diem or actual subsistence expenses as authorized continues unless otherwise restricted under FTR para. 1-7.5c or FTR para. 1-8.4f. In fact, if Mr. Sullivan had incurred any subsistence expenses while in Maine, they would have been reimbursable up to the average of the reimbursement he had received for the whole days during the preceding week. See Internal Revenue Manual, Travel Handbook section 342.2(c). As noted above, Mr. Sullivan has not claimed any subsistence expenses for the time spent in Maine; therefore, none are reimbursable. However, this does not entitle the employee to reimbursement of transportation costs incurred for personal reasons. Since the regulations do not provide for reimbursement of such transportation costs, nor contemplate prorated reimbursement based on comparative cost-savings, there is no authority under which Mr. Sullivan's claim may be allowed.

In view of the foregoing, payment of the claim is not authorized.



Acting Comptroller General
of the United States