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DECISION



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

FILE: B-206366

DATE: April 7, 1982

MATTER OF: Marine Corps--Request for Advance
Decision

DIGEST:

GAO authorizes payment of bills submitted by travel agent for tickets issued to two Marine Corps employees where both the travelers and the travel agency apparently acted in good faith and the Marine Corps has taken steps to prevent recurrence of the use of travel agents, provided the certifying officer determines that payment would not be in excess of costs that would have been incurred if the Government had obtained the tickets directly from the carrier, and requires that the travel agent submit proof of payment to the carrier or agrees to indemnify the Government against possible claims by the carrier.

Major W. W. Macey, an authorized certifying officer (Director of Accounting), United States Marine Corps (Marine Corps), requests permission to pay Travelmation, Inc. (Travelmation), a travel agent, for air transportation services procured through the inadvertent use of the travel agent by two civilian employees of the Marine Corps Recruiting Station, Sacramento, California. The travel agent accepted the Government transportation requests (GTR), issued the tickets, and billed the Marine Corps. The request originally was made to the General Services Administration (GSA), which referred the matter to GAO.

The record indicates that there is no airline ticket office in Redding, California, the point of origin of the travel in both instances. The two Marine Corps employees used Travelmation to obtain tickets in exchange for GTR's, which eliminated the need for these employees to use their own funds to purchase the tickets and then seek reimbursement. Travelmation submitted two invoices and GTR's to the Marine Corps. One bill is for a roundtrip coach ticket, between Redding, California, and San Francisco

at a cost of \$144. The second bill is for a coach ticket from Redding, California, to Jacksonville, North Carolina, in the amount of \$292. The total amount claimed is \$436.

The primary concern here is the failure of the travelers to comply with GAO's regulation restricting the use of travel agents by Government employees, 4 C.F.R. § 52.3 (1981), and the GSA regulations, 41 C.F.R. 101-41.41.203-1 (1981) concerning use of GTR's. These regulations have been incorporated in volume 2 of the Joint Travel Regulations (JTR) governing Department of Defense civilian personnel.

Paragraph C2207 of the JTR states:

"* * * Travel agencies may not be used to secure any passenger transportation services 1. within the 50 states * * *; 2. between the 50 states * * *."

See also, 4 C.F.R. § 52.3(a) (1981). Paragraph C2250 of the JTR concerning GTR use provides:

"All passenger transportation services by common carrier must be procured through the use of U.S. Government Transportation Request (GTR) (Standard Form 1169), unless otherwise specifically provided herein. * * * The transportation request will be issued and used only for officially authorized passenger transportation by common carrier or for authorized passenger transportation services or accommodations furnished by common carrier; i.e., air, bus, rail, or vessel."

However, the GSA regulation applicable to all agencies, including the Marine Corps, whose transportation bills are subject to GSA audit, provides that:

"* * * All passenger transportation services must be procured with GTR's * * * unless otherwise provided herein or exempted in writing by the General Accounting Office or the Administrator of General Services. * * * Such services, whether procured by the use of cash, the GTR, or otherwise, generally must be procured direct from carriers. Travel agencies may be used

only to the extent permitted by the regulations of the General Accounting Office (4 CFR 52.3) or GAO's specific exemption therefrom; 41 CFR § 101-41.203-1(a) (1981)."

GAO previously has permitted payment to a travel agent for tickets for Federal travelers where GTR's have been issued to the travel agent and the circumstances indicated inadvertent use of the travel agent. B-103315, February 3, 1967.

It appears from the record that Travelnation and the Marine Corps employees acted in good faith on the belief that travel agents could issue tickets to Government agencies. The Marine Corps report indicates that action has been taken to ensure that this problem does not occur again. Furthermore, the Marine Corps apparently does not dispute that the services were rendered or that the amount billed is correct.

Under the circumstances, since both the travelers and the travel agency apparently acted in good faith, the Marine Corps advises us it has acted to prevent recurrence of this improper use of travel agents, and the travel agent has been similarly advised of the regulations, we authorize the certifying officer to certify the amount of \$436, the total of the two bills submitted by the travel agency for payment, provided two other conditions are met. B-103315, February 3, 1967.

Our regulations concerning travel agents require that no payment be made to a travel agency in excess of the amount which would have been properly chargeable had the tickets been obtained directly from the carrier. 4 C.F.R. § 52.3(c) (1981). The certifying officer should determine that the amounts billed were the lowest available charges from any carrier for the airline services requested and furnished. 2 JTR, C2207(3) (1981); B-103315, supra.

We also note that the travel agent states that it has paid the carrier in full for the tickets for which it claims the \$436. The certifying officer should obtain

either proof of payment to the carrier or indemnification to protect the Government from a possible claim by the carrier.

Multon J. Fowler
for Comptroller General
of the United States