

**DECISION**

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

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**FILE:** B-208855**DATE:** April 5, 1983**MATTER OF:** Travel Expenses Arising from Employee's  
Fitness for Duty Examination**DIGEST:**

An employee, who is required to undergo fitness for duty examination as a condition of continued employment, may choose to be examined either by a United States medical officer or by a private physician of his choice. The employee is entitled to reasonable travel expenses in connection with such an examination, whether he is traveling to a Federal medical facility or to a private physician. The agency may use its discretion to establish reasonable limitations on the distance traveled for which an employee may be reimbursed.

The issue in this decision is whether travel expenses are payable to a Government employee who chooses to have a "fitness for duty" medical examination performed by a private physician located some distance from his official duty station, despite the availability of a United States medical officer at his station. We hold that a Federal employee who travels to a place within a reasonable distance from his duty station in order to have a fitness for duty examination performed by a private physician is entitled to reimbursement for his resulting travel expenses.

This decision is in response to a request from Mr. Frank X. Hamel, a civilian personnel officer with the Defense Logistics Agency (DLA) in Tracy, California. According to the submission, Federal agency officials may require an employee to submit to an appropriate "fitness for duty" examination when questions arise concerning his physical or mental ability to continue work in his assigned position. Where the agency prescribes that an employee submit to such an examination, it must give that employee the option of being examined either at a Government facility, if one is reasonably available, or by a private physician of the employee's own choosing.

A question has now arisen concerning the use of appropriated funds to pay the travel expenses, including mileage

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and per diem, of a Government employee who chooses to travel some distance from his duty station to have his examination performed by a private physician, rather than allowing a Government medical officer to examine him at a facility near his place of employment. If such travel expenses may be reimbursed, the officer asks whether the agency would then be required to impose a reasonable limitation on the distance traveled for which reimbursement may be provided.

A Federal agency has authority to direct an employee to submit to a "fitness for duty" examination when questions arise concerning his mental or physical capacity to continue working in his assigned position. Yates v. United States, 220 Ct. Cl. 669, 670 (1979). See also Federal Personnel Manual (FPM) Supplement 752-1, Subchapter S1-3 a(5). Chapter 339 of the FPM, Subchapter 1-3(c) further provides as follows:

" \* \* \* Normally, a Federal medical officer should conduct the fitness-for-duty examination. If, however, the employee refuses to be examined by a Federal medical officer or other agency-designated physician, the examination may be conducted by a physician of the employee's choice, subject to the following conditions: (1) the agency determines that the medical examination is necessary primarily for the benefit of the Government; (2) the physician is board-certified in the appropriate medical specialty, and acceptable to the agency; and (3) the physician submits a complete report of the examination directly to the agency. When an agency obtains a fitness-for-duty medical examination, whether by a Federal medical officer or an employee-designated physician, there must be no cost to the employee or the Civil Service Commission. The Comptroller General has ruled that agencies have authority to pay for such medical examinations which are made by employee-designated physicians under the above conditions." (Emphasis added.)

We have consistently held that an agency may use appropriated funds to pay for physical examinations of its employees when those examinations are primarily for the benefit of the Government rather than for the benefit of the employees concerned. 49 Comp. Gen. 794 (1970); 41 Comp.

Gen. 531 (1962). We have also held that employees may be granted administrative leave for reasonable amounts of time required to undergo such examinations. 44 Comp. Gen. 333 (1964). Finally, as we stated in Gus C. Ford, B-188012, May 10, 1977:

"[o]ur Office has also allowed travel expenses and per diem when travel is required in connection with an employee's physical examination but only where the examination is necessary in connection with the employee's position (fitness for duty) and where it is primarily for the benefit of the Government.  
\* \* \*"

See also 49 Comp. Gen. 794, above. Thus, we have based our allowance of travel expenses in these cases on the same criteria as those governing payment for the physical examinations themselves: necessity and Government benefit.

In these cases, we have not attempted to draw any distinction between travel to the office of a United States medical officer, and travel to the office of a private physician. Nor do we believe that such a distinction should now be made. Where a physical examination is necessary and for the Government's benefit, we believe that an employee is entitled to reimbursement for reasonable incidental travel expenses.

Under FPM Chapter 339, Subchapter 1-3(c), an employee who is required to undergo a fitness for duty examination as a condition of continued employment may choose to be examined either by a Federal medical officer or by a private physician of his own choice, who has been found to be acceptable to the agency concerned. In addition, the regulation states that when the agency requires such a fitness for duty examination, there must be no cost to the employee, regardless of whether the examination is performed by a Federal medical officer or by an employee-designated physician. We believe that this provision requires that an agency pay not only for the cost of the fitness for duty examination itself, but for all costs directly relating to the examination, including any incidental travel expenses incurred by the employee. Furthermore, these costs must be paid by the agency whether or not the employee consents to be examined by a Federal medical official. If the employee is to be given a meaningful choice to be examined by a

private physician, as Subchapter 1-3(c) of FPM Chapter 339 provides, we believe that he must not be penalized for exercising that option by being required to pay his own travel expenses in such a case. Therefore, we hold that travel expenses may be paid both to employees traveling to Federal medical facilities, and to those traveling to the offices of selected private physicians for their fitness for duty examinations.

We recognize that paying travel expenses to the location of employee-designated physicians should be subject to some limitations. In this regard, an agency may use its administrative discretion to impose reasonable limitations on the distance traveled for which employees may be reimbursed. In doing so, the agency should give consideration to the availability and proximity of appropriate medical facilities and personnel, and the methods of transportation to be used by its employees en route to such facilities. See, for example, the 25-mile limitation on travel for treatment of work-related injuries provided in 20 C.F.R. § 10.402(b) (1982).

Accordingly, with the qualifications stated above, travel expenses may be paid to an employee who chooses to have a fitness for duty examination performed by a private physician located away from his official duty station.

*Milton J. Auer*  
for Comptroller General  
of the United States