

**DECISION**

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

Dotsford  
29824

**FILE:** B-216477**DATE:** November 15, 1984**MATTER OF:** Dwain F. Pridemore - Travel Expenses Incurred  
Due to Death in Employee's Family**DIGEST:**

Employee on a temporary duty assignment for training in Georgia may not be reimbursed for the cost of round trip travel to West Virginia to attend his father's funeral. The travel was for personal reasons and there is no authority under applicable statutes or regulations authorizing reimbursement for personal travel.

An authorized certifying officer with the Internal Revenue Service (IRS) has requested our opinion concerning the entitlement of Mr. Dwain F. Pridemore to reimbursement of travel expenses he incurred when he interrupted his temporary duty to attend his father's funeral. We hold that since those expenses were incurred incident to personal travel rather than official business, they may not be reimbursed.

Mr. Pridemore, whose permanent duty station is Akron, Ohio, traveled to Glynco, Georgia, to attend a training class scheduled to last from April 25 to June 13, 1984. While attending the training class he was notified that his father was dying. Mr. Pridemore's brother-in-law picked him up at 3:30 p.m. on May 11 in Brunswick, Georgia, and drove him to Logan, West Virginia, where they arrived at 3:30 a.m. on May 12. His father died shortly after he arrived in Logan and Mr. Pridemore stayed for the funeral. On May 16 he returned by a commercial airline flight to his temporary duty station. He apparently had received approval from the Assistant Regional Commissioner for a cash expenditure of \$242 for the airline ticket.

In addition to requesting reimbursement for the cost of the airline ticket, Mr. Pridemore claimed entitlement to \$124.00 for mileage from Brunswick, Georgia, to Logan, West Virginia, \$26.24 for roundtrip mileage from Logan, West Virginia, to the Charleston Airport, \$2 for airport parking and \$5.75 on May 11 and \$2.88 on May 16 for subsistence. Citing our decision in 45 Comp. Gen. 299 (1965), the certifying officer denied Mr. Pridemore's

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claim on the grounds that his trip to West Virginia was for personal reasons. Mr. Pridemore responded by requesting our decision on this matter and arguing that he should be reimbursed because his return to temporary duty was of benefit to the Government. He points out that if he had not returned to complete the training, the IRS would have had to reschedule his training and pay again for the 3 weeks of training he had already received. He calculated that cost at \$1,050, while he is claiming travel and subsistence expenses of \$402.


In 45 Comp. Gen. 299 (1965) we held that expenses incurred by an IRS employee for roundtrip travel from his temporary overseas duty assignment to his permanent duty station to attend his father's funeral could not be reimbursed. In that case we reiterated our longstanding rule that travel performed by an employee solely because of the illness or death of a member of his immediate family is regarded as personal to the employee rather than as travel on official business. We have consistently denied reimbursement of expenses incurred incident to personal travel based on the provisions of 5 U.S.C. § 5702(a) (1982) which provide for reimbursement of per diem only where the employee is "traveling on official business away from his designated post of duty."

In subsequent cases we have applied this rule when the employee, as did Mr. Pridemore, returned from a funeral to his temporary duty site to complete a course of training, or returned to continue representing an agency at trial. Leonard D. Holman, B-185718, November 9, 1976; Mark N. Jacobs, B-184496, November 9, 1976. And in Richard R. Rogers, B-191773, March 6, 1979, we held that an employee could not be reimbursed for roundtrip travel from his temporary duty station to his permanent duty station to attend his mother's funeral even though his supervisor had informed him that his return travel to his temporary station would be at Government expense.

Mr. Pridemore argues that he is entitled to reimbursement because his return was of benefit to the Government and his supervisor had authorized the expenditure for his airline ticket. For the reasons discussed above, however, his travel did not meet the statutory requirement of official business. Therefore, we hold that he is not entitled to reimbursement of the travel expenses he incurred in connection with the interruption of his temporary duty. We note that Mr. Pridemore has made a claim

for subsistence for the portion of the day he was at his temporary duty station before leaving for West Virginia and the portion of the day after he returned. We see no reason why he may not be reimbursed for those periods of time.

Although we have been compelled to deny claims such as Mr. Pridemore's under the present statutory framework, we do believe that it is inequitable to require an employee to pay the costs of travel to his home and return to his temporary duty station upon the serious illness or injury, or death of a member of his family since his absence from home results from the Government's action. In 1978 we recommended a legislative amendment to the Administrator of the General Services Administration to correct this situation. (See B-187198, February 28, 1978.) More recently, we commented favorably on a provision in H.R. 4233, 98th Cong., 1st Sess., which proposed to reimburse Federal employees for their travel expenses when they are traveling on official business and, with agency approval, they interrupt their travel to return home because of a personal emergency. We also recommended that the amendment be broadened to cover the cost of emergency travel to a location other than the employee's home or regular place of business, not to exceed the cost of return travel home. (See B-213735, February 27, 1984.)

*for*   
Comptroller General  
of the United States