



**The Comptroller General  
of the United States**

Washington, D.C. 20548

## **Decision**

**Matter of:** Theresa Z. Pierce - Relocation Travel - Use of Two  
Privately Owned Vehicles

**File:** B-234968

**Date:** September 7, 1989

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### **DIGEST**

A transferred employee, who was authorized to use two privately owned vehicles for relocation travel, may be reimbursed mileage for both vehicles where she demonstrates that one vehicle could not accommodate her family and their personal belongings.

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### **DECISION**

This decision is in response to a letter from Mrs. Theresa Z. Pierce, who has appealed our Claims Group settlement Z-2865869, Sept. 30, 1988, which disallowed reimbursement for the use of a second, privately owned vehicle incident to a permanent change of station. We conclude that she may be reimbursed for the following reasons.

### **BACKGROUND**

Mrs. Theresa Z. Pierce, an employee of the National Oceanic and Atmospheric Administration, was transferred from Cheyenne, Wyoming, to Silver Spring, Maryland. Mrs. Pierce requested that she be permitted to use two vehicles for the travel of herself, her spouse, and her infant child. She explained that since her primary vehicle was a compact car, there was only enough room for her, the child and all the necessary equipment and materials required to support the infant during the trip and while in temporary quarters.

Mrs. Pierce was issued travel orders dated April 14, 1987, which authorized the use of two vehicles for travel, the compact car to be occupied by the employee and infant, and the second vehicle, a pickup truck, to be driven by her husband. However, when she submitted her travel voucher, her mileage claim for the second vehicle (\$212.68) was disallowed by the agency on the basis that only one vehicle

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may be authorized for a family of three. That disallowance was sustained by our Claims Group.

#### OPINION

The laws governing travel and subsistence expense reimbursement for an employee and immediate family incident to a transfer are contained in 5 U.S.C. §§ 5724 and 5724a (1982), as implemented by chapter 2 of the Federal Travel Regulations (FTR).<sup>1/</sup>

Paragraph 2-2.3 of the FTR, which authorizes use of a privately owned vehicle for relocation travel, provides in subparagraph 2-2.3e(1) that:

"(1) When authorized as advantageous to the Government. Use of no more than one privately owned automobile is authorized under this part . . . except under the following circumstances, when use of more than one privately owned automobile may be authorized:

"(a) If there are more members of the immediate family than reasonably can be transported with luggage in one vehicle;

"(b) If because of age or physical condition special accommodations are necessary in transporting a member of the immediate family in one vehicle, and a second vehicle is required for travel of other members of the immediate family . . . ."

Our decisions have held that where the number of occupants and the accompanying luggage justify the use of two privately owned vehicles under the above-cited provisions of the FTR, the employee may be reimbursed mileage for two vehicles. B-172012, July 2, 1971; B-163939, May 8, 1968. We have denied reimbursement only in situations where the employee could not demonstrate that the number of occupants and the quantity of personal belongings could not have traveled in one vehicle. Fuller C. Jones, Jr., B-224660, Mar. 14, 1988; Donald F. Daly, July 6, 1983.

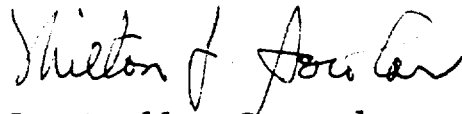
In the present case, the agency authorized relocation travel by two vehicles for reasons which appear justified under the FTR, paras. 2-2.3e(1)(a) or (b). We cannot agree with the agency's subsequent denial of mileage reimbursement solely

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<sup>1/</sup> Incorp. by ref. 41 C.F.R. § 101-7.003 (1987).

on the basis of the number of family members (three). Moreover, since the agency authorized relocation travel with two vehicles, we question its authority to deny reimbursement in the absence of a determination that the orders were in conflict with applicable laws, regulations, or agency policy. Dr. Sigmund Fritz, 55 Comp. Gen. 1241 (1976).

Accordingly, we hold that Mrs. Pierce may be reimbursed for the use of a second vehicle in connection with her transfer to a new duty station.

*for*   
Comptroller General  
of the United States