BENEJAM

The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Warren Shields--Travel by Privately Owned Automobile Between Residence and Alternate Duty Station

File: B-235720

Date: October 3, 1989

DIGEST

An Army employee whose use of his privately owned vehicle was not determined to be advantageous to the government by competent authority is not entitled to mileage for travel on a daily basis between his place of abode and his alternate duty station during his temporary assignment.

DECISION

This responds to a request for an advance decision concerning the claim of Mr. Warren Shields for mileage for the use of his privately owned vehicle to commute from his residence to an alternate duty station.1/ For the reasons set forth below, we deny the claim for mileage.

BACKGROUND

Mr. Shields, an Army employee assigned to the Directorate of Engineering and Housing (DEH), Fort McPherson, Georgia, was ordered to report to nearby Fort Gillem, Georgia, on November 14, 1983, for a temporary assignment. He was advised that no government transportation was available, that he would have to use his own vehicle, and that no mileage reimbursement was authorized. The assignment, originally expected to last for 2 weeks, lasted approximately 7 months. Throughout the assignment, Mr. Shields traveled directly from his residence to Fort Gillem without first reporting to Fort McPherson.

1/ The request was submitted by L. McGlynn, Acting Chief, Travel Policy Division, Office of the Director of Finance and Accounting, Department of the Army, through the Per Diem, Travel and Transportation Allowance Committee, PDTATAC Control No. 89-10.

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In June 1984, Mr. Shields submitted a claim for mileage for the difference between reporting to Fort Gillem and Fort McPherson. The Fort McPherson Comptroller denied Mr. Shields's claim on several grounds, including that mileage for the use of his vehicle had not been authorized by competent authority. In April 1985, Mr. Shields submitted a request for reconsideration and amended his claim to include the total daily commuting distance traveled between his residence and Fort Gillem during the temporary assignment. The amended claim was denied and our Claims Group denied his claim on the basis that the use of his vehicle to commute to his alternate duty station was not determined to be advantageous to the government.2/ Mr. Shields appeals and cites the Joint Travel Regulations, vol. 2, para. C2153 (Change No. 212, June 1, 1983), as mandating the payment of mileage for the full distance each way between his residence and Fort Gillem, his alternate duty station.

OPINION

Volume 2 JTR para. C2153 provides authority for employees of Department of Defense components to use their vehicles between their place of abode and an alternate duty point. 2 JTR para. C2153 reads:

> "When use of a privately owned conveyance is authorized or approved as advantageous to the Government for travel between the employee's place of abode and an alternate duty point (a duty point within or outside the employee's permanent duty station other than his regular place of work), instead of reporting to his regular place of work and then to the alternate duty point, the employee is entitled to reimbursement on a mileage basis for the distance traveled between the employee's place of abode and the alternate duty point."

Mr. Shields cites our decision in Robert W. Shaw, B-174207, Oct. 27, 1972, in arguing that his supervisor's oral orders were sufficient to entitle him to mileage reimbursement under 2 JTR para. C2153. However, in Shaw we approved reimbursement of travel expenses pursuant to oral orders where the travel was subsequently approved by competent authority as being advantageous to the government. In the present case, no such subsequent approval has been given. Therefore, our decision in Shaw, supra, is inapplicable to the facts in this case.

2/ Z-2863688, Apr. 28, 1989.

Mr. Shields further argues that the failure of the agency officials to authorize mileage or to subsequently issue written confirmatory orders is tantamount to a dereliction of duties. However, our decisions have always given each agency the discretion to establish regulations which set forth rules for reimbursement for local travel. Howard M. Feuer, 59 Comp. Gen. 605 (1980); 46 Comp. Gen. 718 (1967); Mary L. Caudill, B-199197, July 20, 1981; William A. Gates, B-188862, Nov. 23, 1977; Lloyd Chynoweth, B-203978, Mar. 11, 1982; Bollinger and Muckenfuss, B-189061, Mar. 15, 1978. It is undisputed that Mr. Shields's use of his vehicle was not approved as being advantageous to the government by agency officials pursuant to the local travel regulations.3/ Moreover, as Mr. Shields correctly points out, Fort McPherson regulations prohibit reimbursement of mileage for travel between home and an alternate duty site within the five-county area comprising metropolitan Atlanta. Therefore, Mr. Shields's claim was properly denied based on the local travel regulations issued within the agency's discretion.

Finally, citing Talmadge M. Gailey, 65 Comp. Gen. 127 (1985), Mr. Shields contends that the agency no longer has discretion under 2 JTR para. C2153 to limit mileage for temporary duty travel. In Gailey, supra, we held that the agency, which had authorized mileage for the use of a vehicle between the employee's place of abode and an alternate duty point as advantageous to the government, did not have discretion under the provisions of 2 JTR para. C2153 to limit the mileage to the difference between reporting to the employee's permanent duty station and the alternate duty point. However, our decision in Gailey did not change the rule that administrative officials may refuse to authorize reimbursement for travel where it is reasonably determined, after giving due consideration to the interests of the government and the employee, that such expenses are normal commuting costs. Kenneth L. Peck & Mark N. Snow, B-198887, Sept. 21, 1981; Brian E. Charnick, B-184175, June 8, 1979.

Accordingly, we sustain the Claims Group determination and hold that the claim cannot be certified for payment.

for Comptroller General
of the United States

3/ See Motte and Wilbourn, B-233218, Aug. 24, 1989.