



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Stephen G. Burns - Constructive Cost of Travel
When Annual Leave is Taken

File: B-241871

Date: April 25, 1991

DIGEST

An employee was authorized round-trip air travel by premium class, but he did not return by premium class since he had scheduled annual leave in advance. The employee is not entitled to credit for the premium-class travel for the return trip for purposes of establishing constructive cost since his scheduled annual leave removed the justification for premium-class travel on the return trip.

DECISION

Mr. William C. Parler, General Counsel of the Nuclear Regulatory Commission (NRC), requests our decision on the proper basis for computing the constructive cost of an employee's return travel when annual leave was taken during an overseas trip. For the following reasons, we conclude that the employee is not entitled to credit for the constructive cost of the authorized premium-class travel for the return trip.

BACKGROUND

In September 1990, Stephen G. Burns, the Executive Assistant to the Chairman, NRC, accompanied the Chairman on official travel to Vienna, Austria, and Budapest, Hungary, to attend the general conference of the International Atomic Energy Agency and to meet with officials of the Government of Hungary. However, Mr. Burns did not travel with the Chairman back to Washington, D.C., from Budapest because he took 3 days of scheduled annual leave at the completion of the official business in Budapest. Instead he returned to Vienna prior to traveling back from there to Washington, D.C., by economy class.

The Chairman may authorize the use of premium-class travel by NRC employees, and Mr. Burns was authorized by the Chairman to fly round-trip premium class for security purposes and in order to conduct business en route since he was to accompany

the Chairman. However, it was known that he would not take the return trip with the Chairman since he had scheduled annual leave in advance.

Because Mr. Burns returned to the United States from a location other than his final duty station, i.e., from Vienna rather than from Budapest, the actual cost of the Vienna return ticket must be compared to the constructive cost of a return ticket from Budapest that the government would otherwise have incurred. The return portion of Mr. Burns' trip from Vienna to Washington was in economy class. Because he would have been traveling with the Chairman for the entire trip but for the annual leave and would have returned premium class as the Chairman did, the question is raised whether Mr. Burns is entitled to credit for premium-class travel for the entire trip for purposes of establishing the cost comparison.

Mr. Burns' position is that since the round-trip premium-class airfare of \$2,669 was authorized by the Chairman and was the amount the NRC would have had to pay if he had returned with the Chairman, and since his actual airfare (premium class to Budapest, and return from Vienna at the economy class, commercial rate) was only \$2,371.74, he actually saved the NRC money by taking annual leave. The NRC travel office, however, believes that Mr. Burns is not entitled to credit for return at the premium-class rate since he did not accompany the Chairman on his return flight. The travel office views Mr. Burns' actual expenses of \$2,371.74 as being in excess of the constructive rate of \$1,973 (premium class to Budapest, return from Budapest at the economy class, government rate) by \$398.74 which it seeks to recover from Mr. Burns.

OPINION

The Federal Travel Regulation (FTR), in 41 C.F.R. § 301-2.5(b) (1990), provides in relevant part:

"When a person for his/her own convenience travels by an indirect route, or interrupts travel by direct route, the extra expense shall be borne by him/her. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route."

This regulation provides that the individual is responsible for any extra expense he incurs for personal travel. The traveler's reimbursement is to be limited to those expenses he would have incurred but for the interrupted travel or travel by indirect route. See Marlene Boberick, B-210374, July 8, 1983. Alan G. Bolton, Jr., B-200027, Aug. 24, 1981.

The FTR in 41 C.F.R. § 301-1.4(b)(3) (1987) also provides:

"(3) Travel-authorizing officials shall authorize or approve only that travel necessary to accomplish the agency mission in the most effective and economical manner. Authorizing officials should be aware of travel plans, including plans to take annual leave in conjunction with travel, and shall ensure appropriate consideration of the . . . means of accomplishing travel."

In the instant case, it was known that Mr. Burns would not take the return trip with the Chairman since he had scheduled annual leave in advance. Under the FTR, 41 C.F.R. § 301-3.3(d)(1), the government's policy is that employees shall use coach-class or equivalent air accommodations and premium-class air accommodations may be used only under specified circumstances listed in 41 C.F.R. § 301-3.3(d)(3). Since Mr. Burns had scheduled annual leave at the end of the trip, it is apparent he did not need to travel with the Chairman. Further, his return travel by economy class is inconsistent with the view that premium class was necessary for his security. Thus there is no justification for his use of premium-class airfare on the return trip. Since he returned home by an indirect route, the constructive cost of return travel by the usually traveled route under FTR, 41 C.F.R. § 301-2.5(b), quoted above, must be based on the economy fare, and Mr. Burns is responsible for any extra expense.

Accordingly, Mr. Burns owes the NRC \$398.74, which is the amount by which his actual expenses exceeded the constructive cost of \$1,973.

Milton L. Jester
for Comptroller General
of the United States