



Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

409  
08-525  
CP

**Matter of:** Benjamin F. Ackerman & Fred L. Williams - Spouse's  
Travel to Attend Awards Ceremony - Period of  
Travel

**File:** B-241987

**Date:** April 25, 1991

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### DIGEST

1. Two employees were authorized temporary duty travel to receive awards at a Departmental Honor Awards Ceremony and to be accompanied by their spouses. Although the preplanned ceremonies were scheduled to end the morning of June 14, 1990, the official authorizing the travel had discretion to allow return travel on June 15. Accordingly, the employees may be allowed lodging and full per diem for June 14 and meals and incidental expenses for June 15.

2. Under the Office of Personnel Management's guidelines in FPM Letter 451-7, July 25, 1990, agency heads have broad discretionary authority to establish allowable per diem amounts, points of travel origin and return, and the number of individuals authorized to travel in connection with award ceremonies under 5 U.S.C. § 4503 (1988).

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### DECISION

This decision is in response to a request from an Authorized Certifying Officer, National Finance Center, Department of Agriculture (USDA).<sup>1/</sup> The issue is the entitlement of two employees to be reimbursed additional per diem for themselves and their respective spouses incident to attending an Honor Awards Ceremony in June 1990. We conclude that they are entitled to additional per diem.

### BACKGROUND

Mr. Benjamin F. Ackerman, III, and Mr. Fred L. Williams, employees of the Food Safety and Inspection Service, USDA, in Kansas City, Missouri, and Oklahoma City, Oklahoma, respectively, were selected to receive awards at a Departmental Honor Awards Ceremony in Washington, D.C. The travel orders authorized each of them to travel beginning on June 12, 1990,

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<sup>1/</sup> Ms. Sandra S. Williams, Reference FSD-1 WDM.

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and ending on June 15, 1990, to be accompanied by their wives at government expense.

Mr. and Mrs. Ackerman began their travel from their home in Lenexa, Kansas, at 5 a.m. on June 12, 1990, and arrived back in Lenexa at 6:50 p.m. on June 15, 1990. Mr. and Mrs. Williams began their travel from Oklahoma City, Oklahoma, at 8 a.m. on June 12, 1990, and arrived back in Oklahoma City at 1:47 p.m. on June 15, 1990.

Following completion of that travel, both Mr. Ackerman and Mr. Williams submitted travel vouchers covering the entire period of their trips. The USDA National Finance Center disallowed lodging costs for the evening of June 14 and the meals and incidental expenses (M&IE) claimed for June 15, on both vouchers. In addition, only three-fourths of the M&IE rate for June 14, 1990, was allowed.

The National Finance Center, citing to section 301-1.4(b)(3) of the Federal Travel Regulation (FTR),<sup>2/</sup> contends that both the Ackermans' and Williams' length of stay in Washington should be commensurate with the time and duration of the award ceremony activities. Since the final ceremony was concluded on the morning of June 14, the National Finance Center believes that both parties should have performed return travel that day. However, because our decision Sharon S. Rutledge, 69 Comp. Gen. 384 (1989), which authorized payment of travel expenses for spouses of honor award recipients, is not clear on the scope of that entitlement, the certifying officer asks the following questions, summarized below:

1. If the agency head authorizes an additional night's lodging and meals after the early close of the ceremony, is this considered a "direct and essential expense of the award?"
2. Our decision appears to suggest that the spouse is to be reimbursed full per diem as is the employee. Is this an area of consideration to be left to the discretion of the agency head?
3. If the point of origin and return travel for the individual who receives invitational travel is different than the awardee, should reimbursement be limited to the cost equivalent of the travel authorized the awardee?

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<sup>2/</sup> 41 C.F.R. § 301-1.4(b)(3) (1990). That provision states in part that travel authorizing-officials shall authorize or approve only that travel necessary to accomplish the agency mission in the most effective and economical manner.

4. Based on the guidelines issued by the Office of Personnel Management (FPM Letter 451-7, July 25, 1990), would it be proper for the agency head to establish by regulation a limitation as to the number of family members authorized to attend such functions?

OPINION

The right of an employee to be reimbursed travel expenses while traveling on official business away from his designated post of duty is contained in 5 U.S.C. § 5702 (1988), and part 301 of the FTR. Spouses of employees, who are not themselves employees performing official travel, but who choose to travel with the employee, generally have no independent right to be reimbursed travel expenses. James E. Moynihan, B-229074, Mar. 28, 1988.

Section 4503 of title 5, United States Code (1988), however provides authority for an agency head to pay cash awards to, and "incur necessary expense" for the recognition of employees who meet the criteria for such awards. In decision Sharon S. Rutledge, 69 Comp. Gen. 38 <sup>supra</sup>, we considered a spouse's claim for travel expenses to attend an awards ceremony with her husband in circumstances substantially similar to the present situation. An earlier decision by this Office would have required the claim in Rutledge to be disallowed.<sup>3/</sup> Upon reconsideration of the scope and purpose of 5 U.S.C. § 4503 in the light of several recent decisions, we overruled the earlier decision and concluded that the phrase "incur necessary expense" as used in 5 U.S.C. § 4503 granted agency heads discretionary authority to issue invitational travel orders to and pay the travel expenses of the spouse of an employee award recipient to attend the awards ceremony. We also invited the Office of Personnel Management to consider issuing regulations to cover this matter.<sup>4/</sup>

In the two claims under consideration, both Mr. Ackerman and Mr. Williams were authorized to perform return travel on June 15. While it may have been possible for either of them to schedule a return flight immediately following the last event preplanned for the morning of June 14, we do not believe they were required to do so. Although the itinerary for the awards ceremony scheduled only morning events, the footnote to the itinerary states that if other activities are scheduled the participants would be notified. In the circumstances, it would not be unreasonable for the authorizing official to assume that other events might be scheduled later, and we

<sup>3/</sup> 54 Comp. Gen. 1054 (1975).

<sup>4/</sup> See FPM Letter 451-7, July 25, 1990.

believe that the authorizing official acted properly under FTR § 301-1.4(b) (3).

Therefore, in answer to the certifying officer's first question, since both Mr. Ackerman and Mr. Williams and their spouses remained in Washington until June 15, as authorized, they are entitled to lodging and full per diem on June 14 and M&IE for June 15.

As to the remaining questions asked by the certifying officer, we believe that, if the head of an agency or his designee determines that it would further the purpose of the award program for the spouse of an award recipient to be present, the travel-authorizing official has broad discretionary authority, under the Office of Personnel Management' guidelines, to establish the amount of per diem allowable under the Federal Travel Regulation, the point of travel origin and return, and the number of individuals authorized to travel. On the latter issue, FPM Letter 451-7, supra, states that travel is "normally limited to one individual of the award winner's choosing," and agency heads should be guided by this standard.

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

1. CIVILIAN PERSONNEL  
Travel  
Travel expenses  
Reimbursement  
Amount determination  
Administrative discretion

CIVILIAN PERSONNEL  
Travel  
Travel expenses  
Reimbursement  
Spouses

2. CIVILIAN PERSONNEL  
Travel  
Travel expenses  
Reimbursement  
Amount determination  
Administrative discretion

CIVILIAN PERSONNEL  
Travel  
Travel expenses  
Reimbursement  
Awards/honoraria