



Comptroller General
of the United States

Washington, D.C. 20548

Decision

CP

Matter of: ✓ Rest and Recuperation Travel
to Alternate Point Overseas - Indirect Travel
by Spouse

File: B-243712

Date: November 27, 1991

DIGEST

The spouse of an AID employee stationed overseas, performed indirect travel during December 1988 and January 1989 to an authorized alternative rest and recuperation point in lieu of travel to the primary designated relief area. The regulations then in effect governing rest and recuperation travel (3 FAM §§ 698.7a and 698.10-3) authorized travel to an alternative point not to exceed the cost of travel to the primary relief area. Since the agency's Committee on Exceptions found that nothing in the regulations prohibited indirect travel to the alternative point, and since the spouse's expenses actually incurred did not exceed the cost of travel to the primary relief area, the cost of her indirect travel is reimbursable.

DECISION

This decision is in response to a request from an Authorized Certifying Officer, Agency for International Development (AID).¹ It concerns the entitlement of an employee to be reimbursed certain airfare expenses incurred incident to Rest and Recuperation (R&R) travel to locations other than the primary designated relief area. We conclude that the employee is entitled to be reimbursed, for the following reasons.

BACKGROUND

Mr. _____, an employee of AID stationed in Nairobi, Kenya, was authorized R&R travel for himself and his wife. Their primary designated R&R point was London, United Kingdom. However, they were authorized to travel to New Delhi, India, as their alternate R&R location, on a

¹ Mr. Thomas A. Totino, USAID/Kenya.

constructive cost basis not to exceed the cost of travel to London and return to Nairobi.²

Travel was not performed exactly in the manner anticipated. While the record indicates that Mr. [redacted] traveled directly from Nairobi to New Delhi and return, Mrs. [redacted] performed that travel by an indirect route. On December 25, 1988, Mrs. [redacted] traveled from Nairobi to Tel Aviv and returned to Nairobi on January 5, 1989, to take a connecting flight to New Delhi. On January 21, 1989, Mr. and Mrs. [redacted] returned to Nairobi from New Delhi.

The cost of Mrs. [redacted] round-trip ticket from Nairobi to Tel Aviv was \$563.40, and the cost of her round-trip ticket from Nairobi to New Delhi was \$782.43. Because the trip to Tel Aviv was not part of the direct routing to New Delhi, the alternate R&R point, the agency collected \$563.40--the cost of the ticket to Tel Aviv--from Mr. [redacted]. Mr. [redacted] reimbursed AID the amount in question, but filed an appeal with the agency's Committee on Exceptions.

The Committee ruled in favor of Mr. [redacted] because Mrs. [redacted] travel to the combination of Tel Aviv and New Delhi did not exceed the cost of travel to the primary R&R point (London) and nothing in the travel regulations prohibited indirect travel. However, the certifying officer takes the position that, based on the provisions of section 115 of Volume 6, Foreign Affairs Manual (FAM), only the direct travel cost from Nairobi to New Delhi and return should be paid and requests our concurrence.

OPINION

Section 901 of the Foreign Service Act of 1980, Title I, Public Law 96-465, October 17, 1980, 94 Stat. 2124 (22 U.S.C. § 4081 (1988)), provides in part:

"The Secretary may pay travel and related expenses of members of the Service and their families, including costs or expenses incurred for--

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"(6) rest and recuperation travel of members of the Service who are United States citizens, and members of their families, while serving at locations abroad

² The cost of travel for one person from Nairobi to London and return was \$1,550.

specifically designated by the Secretary for purposes of this paragraph, to--

"(A) other locations abroad having different social, climatic, or other environmental conditions than those at the post at which the member of the Service is serving"

Section 115^X of 6 FAM, cited by the certifying officer, is a provision of general applicability, and provides that official travel is to be performed in the most direct and expeditious routes consistent with safety, economy and reasonable comfort. However, in conjunction with that provision, section 132.4-1^v of 6 FAM permits indirect travel, but provides that any extra expenses incurred are to be borne by the traveler, and section 132.4-2a^v limits reimbursement for indirect travel to the expenses which would have been incurred for authorized travel on a usually traveled route.

The regulations which specifically govern R&R travel are contained in 3 FAM § 698 (1989). Section 698.7a^v thereof provides for designation of primary relief points for specific posts abroad,³ and adds that the government-financed portion of R&R travel to an appropriate alternative point overseas or in the United States elected by the employee "may not exceed the cost of travel to the primary designated relief area." Section 698.10-3^v specifically permits elective modes of travel and alternative destinations "provided that the purpose of rest and recuperation travel is met" as determined by the authorizing officer. That section reiterates that the cost to the government of travel to any elective point may not exceed the transportation costs that would have been incurred had the R&R travel been performed to the primary designated relief area.⁴

In that regard, the agency's own Committee on Exceptions, by memorandum dated February 25, 1991, stated in connection with Mr. case that there is nothing in the travel regulations (FAM) which implies any limitation on the routing of travel, or the number of stops or layovers versus

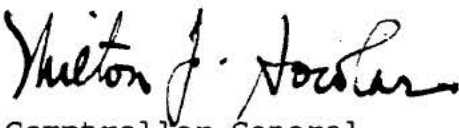
³ The designated primary relief point for Nairobi, Kenya, is London, United Kingdom.

⁴ Effective July 17, 1991, by Transmittal Letter PER-178, 6 FAM § 698.7B has been amended to limit transportation costs, where an alternative overseas point is selected, to the direct round-trip costs between the post and the alternative point.

continuous travel to either the primary or alternate relief areas. Further, in view of the regulatory language which provides that the government-financed portion of R&R travel to an alternate point overseas "may not exceed the cost of travel to the primary designated relief area," the Committee concluded that, since Mrs. _____ travel cost was less than the cost of one round trip to the primary designated area, the employee should be reimbursed.⁵

The Committee on Exceptions also emphasized that its determination in Mrs. _____ case did not result in making an exception to the existing travel regulations. Since the Committee was acting within the scope of its delegated authority under 6 FAM 121.1-4, we believe its interpretation of the agency's regulations is reasonable and entitled to great deference.⁶

In accordance with the Committee's interpretation, since the alternate travel actually taken by Mrs. _____ including the cost of her travel to Tel Aviv, did not exceed the cost of round-trip travel to London, the \$563.40 recovered from the employee is to be reimbursed to him.

for 
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⁵ That position is additionally supported by AID's Office of General Counsel, which, by memorandum dated October 22, 1980, discussing R&R travel entitlements of employees under the regulations that remained in effect until after Mrs. _____ performed her travel, expressed the view that the focus of the law and regulations appears to be on cost rather than the type of travel involved, i.e., indirect.

⁶ 55 Comp. Gen. 427 (1975).