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**Comptroller General  
of the United States**

Washington, D.C. 20548

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# Decision

**Matter of:** Karen P. Lapajenko - Travel Allowances - Early Departure from TDY Due to Family Emergency

**File:** B-245316

**Date:** June 29, 1992

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## DIGEST

An Army employee, whose permanent duty station was in Warren, Michigan, while on a temporary duty assignment in California was informed that her brother had suffered a stroke and was in critical condition in Baltimore, Maryland. The employee may be reimbursed for certain excess travel costs (transportation and en route per diem) incurred in traveling to Baltimore where the emergency existed, and return to Warren, Michigan, under 5 U.S.C. § 5702(b)(1)(B) and the Federal Travel Regulations, 41 C.F.R. § 301-12.6, provided the appropriate agency official grants the approval required by the statute and regulations.

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## DECISION

The Acting Chief, Travel and Pay Policy Division, Army Finance and Accounting Center, requests our decision as to whether Ms. Karen P. Lapajenko may be reimbursed additional travel costs incurred as a result of a personal emergency situation necessitating the premature departure from her temporary duty (TDY) assignment. As explained below, if the appropriate agency official gives the approval required by regulation, additional payment may be made.

## BACKGROUND

Ms. Lapajenko was authorized to travel from her official station in Warren, Michigan, to several locations and return for the purpose of performing radiation safety evaluations. While visiting the final TDY location, near Sacramento, California, on August 24, 1990, she was notified that her brother had suffered a stroke and was in critical condition in Baltimore, Maryland. Upon receiving the news, Ms. Lapajenko proceeded to get the first available air flight from Sacramento, California, to Baltimore, Maryland. The airline would not honor her government airline ticket due to reduced government seat quota and charged Ms. Lapajenko \$558 for a one-way ticket to Baltimore. After

using 5 days of annual leave from August 24-30, 1990, she returned from Baltimore to her official station, Warren, Michigan, by air at a cost of \$262.

Ms. Lapajenko has been allowed only \$162 representing the government discounted airfare from the final temporary duty location to her permanent duty station pending our determination.

#### ANALYSIS

Pursuant to 5 U.S.C. § 5702(b) (1988), under regulations prescribed by the Administrator of General Services, an employee who interrupts a travel assignment prior to its completion because of a personal emergency, such as serious illness to a member of the employee's family, may be allowed reimbursement for the employee's actual costs of transportation to the location where the emergency exists, and return to the assignment from such location, less the costs of transportation which the employee would have incurred had such travel begun and ended at the employee's designated post of duty.<sup>1</sup> Reimbursement for such transportation, however, is contingent upon it being approved by an appropriate official of the agency concerned. 5 U.S.C. § 5702(b) (2) (A).

The implementing Federal Travel Regulations (FTR) in 41 C.F.R. § 301-12.4(d) (1990) provide that at the agency's discretion, the definition of family may be extended to include an employee's brother who is not a dependent of the employee nor a member of the employee's immediate household on an individual case basis considering the extent of the emergency and the employee's relationship to, and degree of responsibility for, the individual involved in the emergency situation. The FTR further provides that the reimbursement that may be authorized shall be the excess (if any) of the actual costs of travel from the point of interruption to the alternate location and return, over the constructive costs of round-trip travel between the official station and the alternate location. The actual cost of travel is defined as the transportation expenses incurred and en route per diem for the travel as actually performed. 41 C.F.R. §§ 301-12.6(b) and 301-12.5(c).

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<sup>1</sup>In commenting upon the authority to provide reimbursement of travel expenses to an alternate location, the House Committee on Government Operations said: "If the employee has to incur additional transportation and subsistence expenses as a result of being on travel, the Government should pay the difference so as to make the employee whole." See H.R. Rep. No. 99-602, 99th Cong., 2d Sess. 6 (1985).

In this case, Ms. Lapajenko took leave to travel from her temporary duty assignment in Sacramento to the alternate location in Baltimore due to her brother's illness. Then, rather than return to Sacramento, she returned to her permanent duty station in Warren, apparently because her supervisor determined that her TDY assignment was substantially completed. Although both the statute and the FTR contemplate that the employee returns to the TDY location after resolution of the personal emergency, rather than to the permanent duty station, we do not view this as restrictive or all inclusive in light of the beneficial purpose of the statute. We believe that if the agency determines that upon completion of the emergency travel the employee should return to the permanent duty station rather than to the TDY location, this would not preclude reimbursement for the excess travel expenses.<sup>2</sup>

As stated above, however, reimbursement is authorized only if the appropriate agency official grants approval. In this regard, the regulations provide that emergency travel reimbursement may be authorized or approved based on the exigencies of the employee's personal situation and the agency mission; each agency is to issue written policies and procedures to govern such authorizations and approvals; and delegation of such authority is to be held to as high an administrative level as practical to ensure adequate review of the circumstances surrounding the need for emergency travel. FTR § 301-12.2. From the record furnished us in this case, we are unable to determine whether the appropriate agency official has reviewed the circumstances of Ms. Lapajenko's travel and given the required approval without which no additional reimbursement is authorized.

If the required approval is given, Ms. Lapajenko may be reimbursed additional transportation expenses under 41 C.F.R. § 301-12.5(c)(2), on the basis of her actual cost by air from Sacramento to Baltimore (reported to be \$558) and her actual air cost from Baltimore to Warren (reported to be \$262) plus en route per diem, less the constructive cost of round-trip travel between Warren and Baltimore (reported to be \$574) and per diem for en route travel time. Since Ms. Lapajenko has already been reimbursed \$162, that

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<sup>2</sup>General Services Administration informally confirmed that their view is that neither the statute nor the regulations requires that the employee return to the temporary duty station in order for the excess costs to be payable in these circumstances.

amount must be subtracted from the net total derived under the above calculation.

*for Seymour Ehos*  
James F. Hinchman  
General Counsel