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**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

FILE: B-192344

DATE: February 28, 1979

MATTER OF: *[Claim for Travel Expenses of]*  
~~James W. Shores~~ Two Government Employees  
*Traveling in Privately Owned Vehicle]*

**DIGEST:** Where an employee utilizes a privately owned vehicle as a matter of personal preference when such use is not determined to be advantageous to the Government, the employee's total reimbursement for the travel is limited to the total constructive cost of appropriate common carrier transportation. In the computation of the constructive costs, the employee is not entitled to include the cost by common carrier of transporting other Government employees who accompany the employee on the trip to determine maximum reimbursement when there is no order or administrative approval of additional payment.

Mr. James W. Shores, by letter dated May 31, 1978, requests reconsideration of a settlement by the Claims Division of this Office, Z-2707005, May 23, 1978, which disallowed the employee's claim for additional reimbursement in the amount of \$38.87 for expenses incurred as a result of travel performed between Washington, D. C. and Cleveland, Ohio, as an employee of the Patent and Trademark Office.

The record reveals that Mr. Shores was authorized to travel by privately owned vehicle (POV) from Washington, D. C. to Cleveland, Ohio to attend a meeting by Travel Authorization 76-68, September 18, 1975. The travel authorization provided that the reimbursement of mileage could not exceed the round trip air fare to Cleveland (\$80.73) plus taxis and/or limousine. On the trip to Cleveland, another Government employee, Mr. John MacIvor, travelled as a passenger in Mr. Shores' POV.

In the travel voucher submitted for his trip to Cleveland, Mr. Shores included in the constructive cost statement the taxis and common carrier air fare costs that Mr. MacIvor would have incurred had he flown commercially to Cleveland. The Office of Finance in the Patent and Trademark Office suspended \$38.87 from Mr. Shores' reimbursement with the explanation that costs for common carrier transportation saved by the use of a POV when more than one employee

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travels in the same vehicle cannot be included in a comparative cost statement. On review, our Claims Division agreed with the agency's determination and rejected the employee's contention that since his transportation of Mr. MacIvor resulted in savings to the Government, the passenger's constructive costs should be included in his comparative cost statement.

In Mr. Shores' request for reconsideration, the claimant took specific objection to the characterization of his requested additional reimbursement as "hypothetical expenditures." Although we recognize that all expenses claimed by Mr. Shores were actually incurred during his trip to Cleveland, we note that the Federal Travel Regulations (FTR), (FPMR 101-7) provide a limitation to the maximum amount of actual expenses which may be reimbursed when an employee utilizes his POV in lieu of a common carrier for his personal preference. Pursuant to paragraph 1-4.3 of the FTR, where an employee uses a POV as a matter of personal preference when such use is not determined to be advantageous to the Government, the employee's total reimbursement for the travel is limited to the total constructive cost of appropriate common carrier transportation including constructive per diem by that method of transportation.

With regard to the computation of the constructive costs, we have consistently held that an employee who is authorized to travel by POV on a mileage basis, cost limited to that by common carrier, is not entitled to include the cost by common carrier of transporting other employees who accompany the employee on the trip to determine maximum reimbursement when there is no order or administrative approval of additional payment. B-134115, November 6, 1957. See also B-143098, June 27, 1960, and 22 Comp. Gen. 572 (1942). In that connection it has been held that an order limiting the mileage to the cost of travel by common carrier, in the absence of qualifying language, can be construed to mean only the cost of common carrier for one person, even though accompanied by several other official travelers. 22 Comp. Gen. 572 (1942). Therefore, since there is no qualifying language in the travel order of Mr. Shores, the comparison between the cost of mileage and common carrier travel must be made on the basis of only one person traveling by common carrier.

Generally, however, our Office has no objection to a travel order authorizing the use of constructive common carrier costs of all travelers to arrive at the maximum reimbursement when such

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action is specifically administratively directed and approved. B-158046, January 11 and April 5, 1966. In the instant case, there was no administrative approval of a more beneficial basis for reimbursement.

Accordingly, since Mr. Shores' travel order authorized reimbursement not to exceed the cost of transportation by common carrier for one person and approval for reimbursement on any other basis was administratively denied upon reclaim, our Office is without legal authority to direct payment of the sum reclaimed. Therefore, the action of our Claims Division in disallowing Mr. Shores' claim is sustained.

*R. F. K. 1/12*  
Deputy Comptroller General  
of the United States