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Plmcl
Mr. Putman

DECISION



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

FILE: B-195421 **DATE:** February 21, 1980

MATTER OF: John B. Clyde - [Mileage Costs Between
Residence and Official Station]

DIGEST: Under 2 JTR, para. C4657, employee who traveled between residence and official station on official business on days where at least one night's lodging was required may be authorized mileage expenses not in excess of taxi fare for use of privately owned automobile. Where he was unaware of entitlement, his failure to claim mileage on travel vouchers initially submitted does not negate his claim for expenses incurred within the period of the 6-year barring statute, 31 U.S.C. § 71a (1976).

This action is in response to a request by W. A. McFedries, Disbursing Officer, Corps of Engineers, Department of the Army, - 00305 for a decision as to whether a supplemental voucher in the amount of \$314.05, submitted by Mr. John B. Clyde, may be certified for payment. The claim was forwarded to this Office for review and decision by the Chief, Finance and Accounting Division, Resource Management Office, Office of the Chief of Engineers, Department of the Army, in accordance with 31 U.S.C. § 74.

The facts and circumstances involved in the claim, as reported by the agency, are as follows:

"a. Claim is for mileage for travel by privately owned automobile from Mr. Clyde's home to the office on days he departed from his office on official trips requiring at least one night's lodging and from his office to his home on the days he returned from the trips.

"b. Claim is a supplemental voucher relating to a number of official trips made during the period 7 January 1974 to 28 April 1977, and reflects itinerary data not previously shown. The voucher has been approved by an authorized approving official.

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"c. Amounts claimed do not exceed, in any instance, the one-way taxi fare authorized in Joint Travel Regulations, Paragraph C4701.

"d. Claimant has indicated that he would have claimed mileage from home to office and office to home on the original vouchers had he been aware of any possible entitlement. "

The disbursing officer points out that 2 Joint Travel Regulations (JTR), para. C4657, and local regulations provide for the payment of mileage for this type of travel, when claimed. The question asked is whether the employee's failure to claim such expenses on his original travel voucher constitutes a voluntary relinquishment of any right to entitlement. On each travel voucher submitted and filed by Mr. Clyde, the following statement appeared opposite his signature: "I hereby claim any amount due me. The statements on face, reverse and attachment are true and complete. Payment or credit has not been received." Mr. Clyde also seeks reimbursement for similar expenses incurred subsequent to September 1972.

This Office has consistently held that an employee must bear the cost of transportation between his residence and his place of duty at his official station, absent statutory or regulatory authority to the contrary. 55 Comp. Gen. 1323, 1327 (1976); 36 id. 450 (1956); Richard F. Bollinger and Adam E. Muckenfuss, B-189061, March 15, 1978; Department of Agriculture Meat Graders, B-131810, January 3, 1978; and Carl P. Mayer, B-171969.42, January 9, 1976. However, on those days when travel is performed by the employee, mileage expenses may be allowed in certain instances for travel between the employee's residence and his official duty station.

In this regard, paragraph 1-2.3d of the Federal Travel Regulation (FTR) (FPMR 101-7, May 1973), provides:

"Between residence and office on day travel is performed. Reimbursement may be authorized or approved for the usual taxicab fares, plus tip, from the employee's home to his office on the day he

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departs from his office on an official trip requiring at least 1 night's lodging and from his office to his home on the day he returns to his office from the trip, in addition to taxi fares for travel between office and carrier terminal. "

Paragraph 1-4. 2c(2), FTR, states as follows:

"Round trip when in lieu of taxicab between residence and office on day of travel. In lieu of the use of taxicab under 1-2. 3d, payment on a mileage basis at the rate of 18.5 cents per mile (the current rate) and other allowable costs as set forth in 1-4. 1c shall be allowed for round-trip mileage of a privately owned automobile used by an employee going from his residence to his place of business or returning from place of business to residence on a day travel is performed. However, the amount of reimbursement for the round trip shall not exceed the taxicab fare, including tip, allowable under 1-2. 3d for a one-way trip between the points involved." (Parenthesis supplied).

Under this authority, the mileage rates in effect during the period covered by Mr. Clyde's claim varied from 11 to 15.5 cents per mile.

Paragraph C4657 of 2 JTR similarly provides that in lieu of reimbursement for the use of a taxicab, payment on a mileage basis will be allowed, when claimed, for the use of a privately owned automobile.

In each of the instances covered by this claim, Mr. Clyde performed temporary duty requiring at least one night's lodging, and the amounts claimed do not exceed the one-way taxi fare authorized in the regulations. Since the voucher has been approved by an agency official with competent authority, the employee has established his basic entitlement under the above-stated regulations to reimbursement of the mileage expenses incurred for travel by privately owned automobile between his residence and official station.

With respect to the specific question raised by the disbursing officer, we note that FTR, para. 1-4. 2c(2), states that the mileage

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expenses in question "shall be allowed." Further, 2 JTR, para. C4657, states that payment of mileage in these circumstances "will be allowed, when claimed." It is also noted that the claimant states that he would have claimed reimbursement for the mileage expenses which he incurred between his residence and official station on his original travel vouchers had he been aware of any possible entitlement. While 2 JTR, para. C5001, contemplates that an employee will submit a travel voucher for reimbursement of travel expenses immediately after the travel has been performed, the failure to do so does not necessarily negate his claim for reimbursement of such expenses. See Charles W. Hahn, B-187975, July 28, 1977. Unless otherwise imposed by the statute or regulations establishing the substantive right of entitlement, the only time limitation upon an employee claim for reimbursement is 31 U.S.C. § 71a (1976) which provides that "Every claim or demand * * * against the United States cognizable by the General Accounting Office * * * shall be forever barred unless such claim * * * shall be received in said office within 6 years after the date such claim first accrued." The instant claim was received in the General Accounting Office on July 11, 1979. Consequently, any portion of Mr. Clyde's claim which accrued prior to July 11, 1973, may not be paid.

Therefore, the travel voucher submitted by Mr. Clyde in the amount of \$314.05 may be certified for payment in accordance with the foregoing. Any additional claims for reimbursement of similar expenses are also for processing in accordance with this decision.


Deputy Comptroller General
of the United States