

DECISION

24595
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

FILE: B-209150

DATE: March 22, 1983

MATTER OF: Lloyd G. Chynoweth

DIGEST:

The 30-minute rule applicable to the payment of per diem under paragraph 1-7.6e, FTR, when the time of departure or arrival is within 30 minutes before or after the beginning of a quarter, respectively, is not intended to be applicable to continuous travel of 24 hours or less. 40 Comp. Gen. 400 (1961).

A certifying officer for the Department of the Interior requests our decision whether the 30-minute rule stated in paragraph 1-7.6e of the Federal Travel Regulations (FTR) (FPMR 101-7), for computing per diem allowances applies to travel of 24 hours or less. For the reasons that follow we hold that the 30-minute rule is not applicable to such travel.

On August 20, 1982, Mr. Lloyd G. Chynoweth, an employee of the Bureau of Reclamation, Department of the Interior, left Billings, Montana, his permanent duty station, at 5:45 a.m., flew to Pierre, South Dakota, and returned to Billings at 6:15 p.m. the same day. He claimed three quarters of a day per diem based on actual time in an official travel status of 12-1/2 hours. His per diem entitlement was reduced to two quarters by a voucher examiner on the basis that he had failed to provide a statement justifying the necessity for his departure within 30 minutes prior to the end of a quarter day and his return within 30 minutes after the beginning of a quarter day.

Paragraph 1-7.6d(1) of the FTR, as amended by GSA Bulletin A-40, Supp. 1, September 28, 1981, provides in part:

"Travel of 24 hours or less. For continuous travel of 24 hours or less, the travel period shall be regarded as commencing with the beginning of the travel and ending with its completion and for each 6-hour portion of the period, or fraction of such

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portion, one-fourth of the per diem rate for a calendar day will be allowed. * * *

Unlike travel of 24 hours or less, per diem for travel of more than 24 hours is paid on a calendar day basis with one fourth of the rate allowed for each quarter of a calendar day that the employee is in a travel status. FTR paragraph 1-7.6d(2).

The question here involves the applicability of the 30-minute rule set forth in FTR paragraph 1-7.6e, which provides:

"Beginning and ending of entitlement.
For computing per diem allowances official travel begins at the time the traveler leaves his/her home, office, or other point of departure and ends when the traveler returns to his/her home, office, or other point at the conclusion of his trip. However, when the time of departure is within 30 minutes prior to the end of a quarter day, or the time of return is within 30 minutes after the beginning of a quarter day, per diem for either such quarter day shall not be allowed in the absence of a statement with the travel voucher explaining the official necessity for the time of departure or return."

As first incorporated into the regulations (Standardized Government Travel Regulations (SGTR) section 6.9c(2)) on April 6, 1960, the 30-minute rule was identically worded but applicable only to travel by privately owned vehicle. At that time SGTR paragraph 6.11 contained essentially the same per diem computation principles as are now set forth in FTR paragraphs 1-7.6d(1) and (2). Because per diem for travel of 24 hours or less was not based on calendar day quarters, we held that the language of the 30-minute rule--specifically, its use of the term "quarter day"--was not intended to be applicable to travel of 24 hours or less. 40 Comp. Gen. 400 (1961). Although the regulations have since been amended to include regularly scheduled means of transportation within the purview of the 30-minute rule, the language in question and the per diem computation principles

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to which it applies remain the same. For this reason we find no basis to change our view that the 30-minute rule applies to per diem paid on the basis of calendar day quarters--i.e., travel of more than 24 hours--and not to per diem such as Mr. Chynoweth's paid on the basis of 6-hour periods of actual time in a travel status.

Accordingly, Mr. Chynoweth is entitled to three quarters of a day per diem as claimed.

for Milton J. Fowler
Comptroller General
of the United States