

**DECISION**

97680  
THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548

FILE:

B-182927

DATE: JUL 2 1975

MATTER OF:

John F. Brady - Travel expense computation on  
constructive basis.

DIGEST:

Employee who claims credit for transportation expenses on constructive basis not to exceed cost of travel performed by other employees appeals disallowance by Transportation and Claims Division (TCD) settlement, which held him to Category 2 fares. There is no authority to pay transportation costs on basis claimed. Reimbursement must be limited to amount equal to or less than costs that would have been incurred by employee on usually traveled route. Employee may be allowed additional credit for travel since TCD settlement limited reimbursement on constructive basis to routes where Category 2 fares were not available.

This action is a reconsideration of Settlement Certificate Z-2511122, dated August 22, 1974, by which the Transportation and Claims Division (TCD), disallowed a portion of a claim submitted by Mr. John F. Brady for reimbursement on a constructive cost basis for travel expenses incurred by him while on a temporary duty assignment in May 1972.

Mr. Brady, Head, Weapons Department, Naval Underwater Systems Center, Newport, Rhode Island, received travel orders directing his travel to Paris, St. Tropez, and Cannes, France, via commercial mode of transportation, to take part in a United States/French Navy agreement for cooperative research and development on torpedoes. His travel orders authorized early departure and delayed return for annual leave purposes at no additional cost to the Government for travel or per diem. Mr. Brady traveled to and from France by indirect route for personal convenience. A Government Travel Request (GTR) was not issued, but he received a travel advance of \$615 with which he purchased transportation.

Mr. Brady claims reimbursement for transportation not to exceed the value of a GTR worth \$370.17 issued to John Sirmalis, an employee

who also received orders to take part in the meetings, and who proceeded by a direct route. The GTR provided Mr. Sirmalis covered travel from Providence, Rhode Island, to New York via commercial air, and from New York to Paris and return to Boston, Massachusetts, via Category Z, in addition to round trip commercial air between Paris and Nice. The TCD settlement of Mr. Brady's voucher limited reimbursement to the constructive cost of the Category Z fare from Boston to Nice, with a one-day stopover in Paris, and return from Nice to Boston, in addition to bus fare to and from the airport, or \$244.70. The major difference between the amount claimed by Mr. Brady and the amount allowed by the TCD settlement is the additional cost of round trip travel from Paris to Nice.

The provisions in effect at the time of Mr. Brady's travel relating to constructive cost for an employee who travels by indirect route for personal convenience are contained in 2 Joint Travel Regulations para. C6000 (change 74, December 1, 1971), which provided, in part, as follows:

"Travel performed other than by the usually traveled route must be justified as officially necessary. When, for his own convenience, a person travels by an indirect route or interrupts travel by a direct route, the extra expense will be borne by him, with reimbursement based only on such charges as would have been incurred by a usually traveled route  
\* \* \*."

Pursuant to this regulation we have established the principle that absent official justification for circuitous travel, when an employee travels by an indirect route, he is entitled to reimbursement by indirect route, not to exceed the cost by the direct route. B-178535, June 21, 1973, B-178875, August 27, 1973. No authority exists by which reimbursement for indirect travel may be made solely on the basis of the cost of travel of another employee.

What constitutes direct travel within the meaning of the above-quoted paragraph must be determined on the basis of the travel order and the nature of the travel it requires. A review of the travel order and of the record submitted in this case indicates that the most direct routing would be from Portsmouth, Rhode Island, to Boston and from there to Paris for the first day of meetings. Subsequent meetings were to be held in Cannes and St. Tropez necessitating a

B-182927

flight from Paris to Nice. After completion of the final meetings, return transportation from Nice to Boston was required.

As stated above, the TCD settlement provided transportation from Boston to Nice via Category Z, with a one-day stopover in Paris. However, we have ascertained that there were no Category Z flights from Boston to Nice in May 1972 which would have permitted such a stopover in Paris. Thus, the most direct routing would have been from Boston to Paris via Category Z and then to Nice via commercial air, there being no Category Z flights between Paris and Nice.

We have also ascertained that Category Z flights from Nice to either Boston or New York were available only on Tuesday, Wednesday, and Friday mornings at 9:30 a.m. Since the final day of meetings was scheduled in Cannes for Friday, May 12, 1972, it was impossible for Mr. Brady to obtain direct transportation from Nice via Category Z until Tuesday, May 16, 1972. Thus, the most expedient means of obtaining return transportation would have been to take commercial air from Nice to Paris, and then from Paris to Boston via Category Z. We have been advised that such flights were available on a daily basis.

In view of the above, Mr. Brady's transportation entitlements should be determined on a constructive cost basis as follows:

Bus fare to airport	\$ 3.55
Boston - Paris (Category Z)	123.10
Paris - Nice (Commercial air)	50.80
Nice - Paris (Commercial air)	50.80
Paris - Boston (Category Z)	120.10
Bus fare from airport	<u>3.55</u>
	\$351.90

The difference between the amount of the above determination of Mr. Brady's constructive travel costs (\$351.90) and the amount previously computed by the TCD in their settlement (\$244.70) is \$107.20. This amount when deducted from Mr. Brady's outstanding travel advance of \$149.80 results in a balance due the Government of \$42.60. This amount should be remitted promptly to the Disbursing Office, Naval Underwater Systems Center.

R. F. Keller

Deputy Comptroller General  
of the United States