

DECISION

✓ 2/11/84
**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

27355

FILE: B-213163**DATE:** February 6, 1984**MATTER OF:** A. Brinton Cooper III**DIGEST:**

An employee on a temporary duty assignment returns home late in the day after being notified of a death in the family and is required by the motel to pay for his room for that day due to the lateness of his departure. Since the employee was in a travel status on official business at the time he became obligated to pay for the motel room, his lodging costs may be considered an actual and necessary expense of travel within the meaning of the Federal Travel Regulations and included in his actual subsistence expense allowance for that day.

The issue in this decision is whether an employee on a temporary duty assignment who returns to his duty station in the evening due to a death in the family may be reimbursed for the cost of a motel room for the day he returned home.¹ We hold that actual and necessary expenses incident to official travel include lodging costs in these circumstances.

BACKGROUND

Mr. A. Brinton Cooper III, an employee of the United States Army whose duty station is Aberdeen Proving Ground, Maryland, was assigned to temporary duty in Annapolis, Maryland, May 4-6, 1983. Late in the afternoon of May 5 he received notification of a death in his family and returned home departing Annapolis at approximately 6 p.m. Due to the lateness of his departure he was required to pay for the

¹ This decision results from the request of Bernard F. McCullough, Finance and Accounting Officer, Armament Research and Development Center, U.S. Army Armament, Munitions and Chemical Command, Dover, New Jersey, on the voucher of Mr. A. Brinton Cooper III. This matter was forwarded through the Per Diem, Travel and Transportation Allowance Committee which assigned it Control No. 83-18.

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motel room for the night of May 5 which he had occupied until that time. He has requested reimbursement for that expense in the amount of \$36.63.²

DISCUSSION

Section 5702 of title 5, United States Code, authorizes reimbursement of subsistence expenses of civilian employees incurred in the performance of official travel away from their post of duty in the form of per diem or a subsistence allowance. The implementing regulations, the Federal Travel Regulations (FTR) (FPMR 101-7, November 1981) provide that the cost of accommodations is considered to be an expense includable in an employee's per diem or actual subsistence expense allowance. See FTR paras. 1-8.2b and 1-7.1b. Mr. Cooper received an actual expense allowance as Annapolis, Maryland, is designated a high rate geographical area by FTR para. 1-8.6 (Supp. 2, Nov. 1981).

The purpose of an employee's subsistence allowance is to provide reimbursement of "actual and necessary" expenses incurred during official travel. FTR para. 1-8.1a. When an employee's actual expenses during one day are less than the maximum daily subsistence rate authorized, the employee is reimbursed for his actual expenses only. However, the maximum subsistence allowance is not prorated for a fraction of a day. To the extent reimbursable costs are incurred a traveler is entitled to the maximum authorized allowance for any day he is in a travel status, subject to agency review that his expenses are reasonable. FTR para. 1-8.2a.

In this case an employee who was occupying a motel room checked out in the early evening to return home due to a death in the family. At the time the employee first occupied the room and incurred lodging costs, he was in a travel status on official business, and he had performed a day's

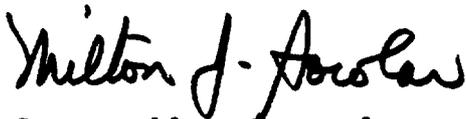
² Reimbursement of Mr. Cooper's return transportation cost is precluded under applicable Comptroller General decisions since he had not completed his temporary duty assignment when left. See, e.g., Matter of Jacobs, B-184496, November 9, 1976; and 47 Comp. Gen. 59 (1967). However, Mr. Cooper has not requested reimbursement of this expense.

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work on May 5, the night of which he was charged by the motel. Because of the hour of his departure he was charged by the motel for the entire day. Under such circumstances the employee's lodging costs were an actual and necessary expense of travel within the meaning of the Federal Travel Regulations and may be reimbursed pursuant to those regulations. The employee's inability to occupy the motel room for the latter part of the day does not change the fact that the lodging expense was a proper expense incident to official travel at the time the employee became obligated to pay it.

This is to be distinguished from the situation where an employee fails to timely cancel a hotel reservation. See, e.g., Matter of Cunningham, B-192804, December 18, 1978.

Accordingly, the voucher may be certified for payment.

for 
Comptroller General
of the United States