

DECISION

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

FILE: B-202370**DATE:** April 2, 1984**MATTER OF:** Richard H. Foster**DIGEST:**

A Navy employee claims mileage for travel from home to work. As part of his assigned duties as a handler of a Drug Detection Dog, he transports it in his privately-owned automobile between his residence and permanent duty station. He claims mileage on the basis that his commuting expenses increased by the requirement to transport the dog because he was deprived of cost advantages of public transportation or carpooling. Disallowance of the claim is sustained, because employees must bear the cost of transportation between their residence and duty station absent statutory or regulatory authority to the contrary.

This is a review of action taken by our Claims Group denying the claim presented by Richard H. Foster for daily round-trip mileage for the transportation of a Drug Detection Dog in his privately-owned automobile between his residence and duty station.

We sustain the disallowance¹ of Mr. Foster's claim because the primary function of the transportation was for commuting, a personal responsibility which may not be reimbursed under the law and regulations.

Facts

Mr. Foster was employed by the Navy as a team leader of a narcotics interdiction team and as a Drug Detection Dog handler. His regularly assigned duties at the Naval Air Station, Alameda, California, involved the handling of a dog

¹Our Claims Group disallowed the claim, No. Z-2827618, by Settlement Certificate, dated March 19, 1982.

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trained in detecting marijuana. Although the dog was Government property, Mr. Foster was responsible for its care, maintenance and security even after normal duty hours. To perform these round-the-clock responsibilities, he was required to transport it daily between his duty station and his residence, which were 16 miles apart. A Government vehicle was not available for the purpose. Therefore, he used his privately-owned automobile for commuting and to accommodate the dog he removed the rear seat.

Issue

Mr. Foster contends that since it was necessary for him to transport the dog in the performance of his assigned duties, and a Government vehicle was not available for that purpose, he incurred expenses in the operation of his automobile that exceeded the commuting expenses he would have incurred otherwise. He states that because of the dog he was deprived of cost advantages of carpooling and the use of public transportation.

The issue that Mr. Foster raises is whether increased commuting costs, caused by requirements of his employment (transportation of the dog) should be paid by the Government, because the travel between his residence and duty station should be characterized as public business since the dog is public property.

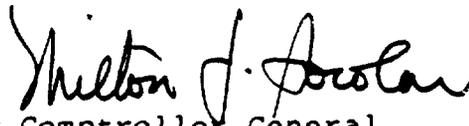
Analysis

Paragraph 1-4.1a of the Federal Travel Regulations (FPMR 101-7) (May 1973), promulgated under 5 U.S.C. § 5704, authorizes the payment of mileage to an employee for the use of a privately-owned motor vehicle in the conduct of official business, under specified circumstances. The relevant inquiry is whether home to work travel is official business, and the established rule is that an employee must bear the cost of transportation between his residence and place of duty absent statutory or regulatory authority to the contrary. Matter of Morgan, 55 Comp. Gen. 1323, 1327 (1976); 46 id. 718 (1967); 36 id. 450, 453 (1956). See also B-210555, June 3, 1983, 62 Comp. Gen. _____, where we held that Government vehicles could only be used for an official purpose and that travel from home to work is not considered an official purpose. In other words, generally, commuting does not constitute official business.

In Matter of Clark, B-190071, May 1, 1978, we considered a similar contention that the Government should pay an employee's commuting expenses that were caused by the requirement to perform duties during other than normal duty hours, which resulted in two round trips in a day between residence and duty station. We held that the employee could not be reimbursed mileage for home to work travel even though the cost of commuting was increased by the requirement to perform work after normal duty hours. See also Matter of Bollinger and Muckenfuss, B-189061, March 15, 1978. A distinction was made there, between the employee in that case and the situation of employees who were authorized mileage for the use of the automobiles while performing their regular duties. In that case mileage was authorized from their residences since they did not normally report to their duty stations on a daily basis. See 36 Comp. Gen. 795 (1957).

Conclusion

Mr. Foster was not authorized nor did he use his automobile in his regular duties at the Naval Air Station. He merely drove his car to and from his workplace each day. While the fact that he transported the dog with him may have caused him some additional expense, it does not afford a basis for authorizing an employee mileage for home to work and return travel. Accordingly, his claim must be denied and the action of our Claims Group is sustained.

for 
Comptroller General
of the United States