

B-255585.2

June 1, 1995

To the Congress of the United States:

Pursuant to 31 U.S.C. § 3702(d) (1988), we submit the following report on the meritorious claim of Ms. Joyce Liverca.

Ms. Joyce Liverca was an employee of the Forest Service, United States Department of Agriculture, whose official duty station was Juneau, Alaska. In early May 1993, Ms. Liverca was in an approved leave without pay (LWOP) status, and living in John Day, Oregon, while seeking other employment. The Forest Service asked Ms. Liverca to return to Juneau, Alaska, to perform high priority work arising from the Exxon Valdez oil spill because another employee had a medical emergency and would be out for a long convalescence period. The Forest Service decided to recall Ms. Liverca to duty since she had previously worked on that project and had the knowledge to fill the position without the extended "learning time" anyone else would have required. Through error, however, the Forest Service issued a travel authorization to Ms. Liverca to travel back to her official duty station<sup>1</sup> and also authorized a per diem allowance while at her official duty station.<sup>2</sup>

Ms. Liverca traveled from her home in Oregon to Juneau, Alaska, on May 9, 1993, performed her assignment over the following several weeks, and returned to Oregon on June 5, 1993. In connection with her assignment and in reliance on her travel authorization, Ms. Liverca incurred lodging, meal, and incidental expenses for which she submitted a voucher in the amount of \$4,499.50.<sup>3</sup>

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<sup>1</sup>The erroneous payment of Ms. Liverca's transportation expenses was waived in Joyce Liverca, B-255585, Apr. 20, 1994 (copy enclosed).

<sup>2</sup>The Federal Travel Regulation prohibits payment of per diem to an employee at his or her official duty station. 41 C.F.R. § 301-7.5(a) (1993).

<sup>3</sup>This voucher has not been paid. The total amount of \$4,499.50, which was actually expended, as more fully explained below, consists of \$2,376 for lodging, \$2,053.50 for meals and incidental expenses, and \$70 for local mileage expenses.

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In our Office's decision, Joyce Liverca, B-255585, Apr. 20, 1994 (copy enclosed), we denied payment of her voucher because, without specific authority of law, the government may not pay a per diem allowance or subsistence expenses to civilian employees at their official duty stations regardless of unusual circumstances.

The Forest Service's report to our Office, dated July 21, 1994, requested that we submit this matter to Congress under the Meritorious Claims Act, 31 U.S.C. § 3702(d) (1988). The report notes that the per diem allowance was erroneously approved by the Forest Service, that Ms. Liverca acted in good faith and without fault in incurring these expenses, and that she reasonably relied to her detriment on the erroneously issued travel orders. Additionally, the report explains that, as an accommodation to the Forest Service and Ms. Liverca, two other employees, also relying on Ms. Liverca's travel orders, paid a substantial part of Ms. Liverca's expenses since the total amount was larger than the remaining limit on Ms. Liverca's government-issued Diners Club Charge Card.

In John H. Teele, 65 Comp. Gen. 679 (1986) (copy enclosed), we concluded that since Mr. Teele's relocation expense claim could not be paid under existing law we would submit it to Congress as a meritorious claim. Mr. Teele was a new appointee to a manpower shortage position who was erroneously issued travel orders authorizing reimbursement for various relocation expenses which Mr. Teele reasonably relied on and incurred substantial costs. Likewise, in Terrill W. Ramsey, B-246004, Mar. 23, 1992, we submitted a travel and relocation expense claim to Congress for consideration as a meritorious claim. Mr. Ramsey was erroneously advised by agency personnel that the agency would pay all of his travel and relocation expenses in connection with his appointment. Mr. Ramsey accepted the position with the expectation that he would receive full reimbursement for his expenses. We found that Mr. Ramsey acted in good faith reliance on the erroneous information consistent with those representations.

In this case, we find that Ms. Liverca, in the course of her assignment by the Forest Service and in good faith reliance on her travel authorization, incurred substantial lodging, meal, and incidental expenses in the total claimed amount of \$4,499.50. We believe that this claim deserves the consideration of Congress as a meritorious claim.

Provided the Congress concurs with our recommendation on this claim, we believe that enactment of a statute in substantially the following language will accomplish the relief recommended:

"Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, that the Department of Agriculture is authorized and directed to pay the sum of \$4,499.50 to Joyce Liverca as reimbursement for various expenses incurred as a federal government employee in connection with certain high priority duties performed for the Forest Service."

/s/ James F. Hinchman  
for Comptroller General  
of the United States

Enclosures