



DIGEST - LCP

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

R-171780

JUN 15 1971

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Mr. Garland M. Ryrus
320 South Clark Drive
Apartment 305
Los Angeles, California 90048

Dear Mr. Ryrus:

Your letter of March 20, 1971, with enclosures, requests further consideration of your claim for reimbursement of expenses incurred incident to the change of your station from Pomona, California, to Los Angeles, California, as an employee of the Department of Commerce, which was the subject of our decision of March 17, 1971, R-171780. We also refer to your letters of April 1 and 19, 1971, with enclosures in which you question Office settlement of April 8, 1971, which was issued pursuant to that decision.

Your transfer from Pomona, California, to Los Angeles, California, was directed by travel order dated September 3, 1969. You were authorized to travel by privately owned automobile and were authorized transportation of household effects and temporary quarters and subsistence at new duty station, if necessary. By Office settlements dated December 23, 1970, and April 8, 1971, respectively, you were allowed \$4 as mileage for your travel from Pomona to Los Angeles and \$329 as subsistence for expenses for your occupancy of temporary quarters.

With respect to the latter item, we advised you in the decision that you were entitled to the allowance authorized as reimbursement of subsistence expenses for yourself while occupying temporary quarters. We further said that such allowance was not authorized for your family for the reason that for some time prior to your notice of transfer your wife and son occupied quarters other than those occupied by you and in such circumstances it could not be concluded that their occupancy of such quarters was incident to your transfer so as to qualify for an allowance on their behalf. Thereafter, you received Office letter of March 29, 1971, relative to this matter.

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In your letter of April 19, 1971, you say that the Office letter called for a split in the expenses and indicated Mrs. Byrum's share would be \$270. You ask how the amount of \$329 was computed and contend that the total amount due is \$408.85 including \$41.25 as interest at 8 percent for 17 months.

Since your entitlement was limited to the temporary quarters expenses incurred by you only, and since RSSA Form 34-29 and note submitted by you were not clear in this respect but included expenses for you and your wife, the Office letter of March 29, 1971, requested you to "furnish a breakdown of your subsistence, indicating the daily expenses incurred by you and those incurred by your wife." The letter did not indicate that any amount would be paid on account of Mrs. Byrum.

As to the computation of the amount of \$329, for the first 10 days your expenses were one-half of \$411.50 for meals and laundry, \$70.75, plus rental items of \$135 and \$53 or a total of \$258.50. Since the maximum allowance authorized by Budget Circular No. A-56 for the first 10 days is \$187.50, this amount was allowed in your case for that period. Since an expense of \$111.50 per week for meals and laundry was shown for the second and third weeks you were allowed one-half of this or \$70.75 for each of those weeks, or a total of \$329 for the 30-day period November 17 to December 16, 1969. Your present letter affords no basis for the allowance of any additional amount.

The rule is well established that the payment of interest by the Government on its unpaid accounts or claims may not be made except when interest is stipulated for in legal and proper contracts or when the allowance of interest is specifically directed by statute. Angarica v. Bayard, 127 U.S. 251 (1888); United States v. North American Transportation & Trading Co., 253 U.S. 330 (1920); Smyth v. United States, 302 U.S. 239 (1937); United States v. Hotel Co., 329 U.S. 585 (1947). We are aware of no statute providing for the payment of interest under the facts in your case.

The decision of March 17, 1971, also was concerned with your claims for additional mileage on voucher dated March 11, 1968, and for \$28.94 deducted from the voucher for extra mileage and per diem incurred in pulling a U-Haul trailer on a temporary duty trip to Napa, California. You had been reimbursed for mileage from Pomona, California, to Napa, California, instead of from Orange, California, to Napa as claimed. The travel was performed under a travel authorization, Trip No. 33, dated February 7, 1968.

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We said you had claimed reimbursement for "618" miles for travel from Orange, California, to Napa, California. You stated on the voucher that this mileage involved a circuitous route due to your pulling a U-Haul trailer. We said that the administrative office excluded the excess mileage incident to the circuitous route and authorized reimbursement for 475 miles for travel from Pomona to Napa, that there is no significant difference in mileage between the points noted and that no adjustment in mileage is required. Apparently, you do not dispute that conclusion.

In discussing the item of \$28.94, however, we quoted a letter from the administrative office stating that the mileage on the voucher included 80 miles round trip to Beverly Hills to pick up your wife. In your letter of March 20, 1971, you point out that the speedometer reading was 698 miles and that you had deducted 80 miles to arrive at 618 miles. We agree with your statement, but as noted above, no additional mileage is due for your travel under the authorization of February 7, 1968.

As to your claim for \$28.94 for extra mileage and per diem incurred due to pulling a U-Haul trailer on a temporary duty trip to Napa, you said the trailer was needed to haul Government material and to haul personal belongings because of the rate of per diem authorized. In the decision we explained that any reimbursement for the hire of a trailer would require approval by the administrative office in accordance with the provisions of section 3.1a of the Standardized Government Regulations. We referred to administrative reports dated March 11, 1970, and October 16, 1970, that the use of a U-Haul trailer is not authorized in connection with temporary duty travel, that the rental of a U-Haul trailer was not authorized in your case, and that the use of the trailer was more for personal reasons than for carrying Government equipment.

In your letter of March 20, 1971, you say you were the custodian of a considerable quantity of Government-owned instruments and supplies to be used at both Orange and Napa for the Fruit-Frost Service, and that the material had to be either shipped back and forth or be hauled by you. Also, you say that since the rate of per diem authorized was lower than authorized for other individuals such as National Guard technicians, you had to take personal gear to complete the travel required by the order.

Where, as here, the facts in cases as stated by a claimant and as reported by the administrative office are at variance, it long has been the rule of our Office to accept the administrative report in the absence of convincing evidence to the contrary. As stated above, it is

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administratively reported that in your case the use of a trailer was neither authorized nor required. Also, the rate of per diem to which you were entitled for the temporary duty here involved was established by the Standardized Government Travel Regulations and while you may regard it as inadequate this does not afford a basis for payment of your claim for \$28.94 arising from the unauthorized rental of a trailer.

Accordingly, the decision of March 17, 1971, is affirmed.

With your letter of March 20, 1971, you submitted a further claim for \$1,340 for transportation of Government equipment between Orange and Napa during the years 1965 to 1968. Apparently, such equipment was transported in rented conveyances and you are basing your claim on an estimate of commercial shipping costs of \$167.50 for each occasion (8 trips @ \$167.50 or \$1,390).

There is no authority for reimbursing an employee for Government equipment carried by privately rented conveyance (presumably U-Haul trailer) based on the cost by commercial carrier. We do not understand why you did not submit a claim for the rental expenses at the time they were incurred similar to the claim for \$28.94 previously referred to. Of course, such a claim, at this time, would have to be supported by receipts and have the approval of your agency. Under the circumstances, we have no basis for consideration of such a claim.

Sincerely yours,

R.F.KELLER

Assistant Comptroller General
of the United States

OFFICERS AND EMPLOYEES
Travelers
Relocation expenses
Temporary quarters
Family did not join employee

TRAVEL EXPENSES
Special conveyance hire
Trailer rented for Government equipment