



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

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B-178875

August 27, 1973

Mr. Gary A. Hershdorfer
946 Spruce Street
Berkeley, California 94707

Dear Mr. Hershdorfer:

We refer to your letter of May 23, 1973, wherein you seek reconsideration of the denial of your claim for additional reimbursement for travel expenses incurred incident to your change of official station as an employee of the Department of the Army. Your claim was denied by our Transportation and Claims Division in its Settlement Certificate of March 20, 1973.

A review of the facts reported in your case shows that you were transferred from Washington, D.C., to San Francisco, California, by Travel Order No. PCS 70-27, dated October 31, 1969. Your orders authorized commercial transportation from Washington, D.C., to Los Angeles, California, and the use of a privately owned vehicle from Los Angeles to San Francisco, California. Your agency limited reimbursement to the constructive cost of direct air travel from Washington to San Francisco on the basis of paragraph C6000 of the Joint Travel Regulations (JTR), Volume 2. That section provides that travel performed other than by the usually traveled route must be justified as officially necessary. Otherwise a person who travels by an indirect route will be reimbursed his expenses only to the extent of the expenses that would have been incurred incident to travel by a usually traveled route. Your agency reports that the indirect route traveled by you was not considered necessary for official reasons.

In your request for reconsideration you urge that (1) you traveled directly in accordance with your orders and thus in fact no indirect route was involved; (2) you did not request the route traveled but were given it after a decision on travel alternatives and you were assured by the Washington office of the Corps of Engineers that the expenses would be reimbursed; and (3) the expenses incident to the route traveled were justified on the basis of a cost-saving.

We understand that the determination as to your route and mode of travel was based on the fact that your wife was seven

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B-178875

months pregnant and could not travel in your private automobile the whole distance between Washington and San Francisco. However, you apparently were able to have your automobile transported to Los Angeles although you were unable to have it transported to San Francisco in the time available. You state you were advised that since the route written in your travel order and traveled by you resulted in substantially less cost to the Government than would have been the case had you driven your private automobile direct to your new station while your wife traveled by air, your expenses on the route traveled would be reimbursed. Additionally you affirm that had you known that the actual expenses incurred would not be reimbursed you would have in fact driven your automobile direct to your new duty station.

It is unfortunate that misunderstandings developed as to your travel entitlement incident to your transfer of duty station. The travel from Washington, D.C., to San Francisco via commercial air to Los Angeles and from there to San Francisco via private automobile is in fact an indirect route. In the absence of an agency determination that such routing was officially necessary the provisions of paragraph CG000, JTR, Volume 2, limiting reimbursement to the charges incurred by a usually traveled route apply. In that connection we do not find any authority under which it would have been appropriate for your agency to make a determination that official necessity required circuitous travel based upon a hypothetical alternative which, if used, would have resulted in more cost to the Government.

The fact that your orders were written for an indirect route is not controlling in the absence of an agency determination of official necessity. Even if the routing in your case were considered to be the result of an administrative error it would not establish a basis for making payments to you based on the indirect route traveled since, as noted above, there was no valid agency determination of official necessity. See B-147614, December 28, 1961, copy enclosed.

Accordingly, the action disallowing your claim is sustained.

Sincerely yours,

Paul G. Daxblin

For the Comptroller General
of the United States