



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

B-179134

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January 14, 1974

Major R. M. Huston  
Disbursing Officer  
Office of the Disbursing Officer  
United States Marine Corps Recruit Depot  
Parris Island, South Carolina 29905

Dear Major Huston:

This is in reply to your letter of August 18, 1972, with enclosures, reference 18D:DCT:esf, forwarded to our Office by the Commanding Officer, Examination Division, United States Marine Corps Finance Center, Kansas City, Missouri, for a decision as to whether a voucher submitted by Mrs. Sue D. Smith, an employee of the United States Marine Corps, for travel expenses incurred by her in connection with a temporary duty assignment during a period in which she was in a sick leave status may properly be paid.

The record indicates that on June 22, 1972, Mrs. Smith submitted an application for disability retirement on the basis that she was physically unable to perform the duties of her position. On the same basis she requested on June 22, 1972, that she be granted sick leave until June 30, 1972, and thereafter, be placed in a leave without pay status. Her request was approved and she was placed in a sick leave status from June 22, 1972, to June 30, 1972, and in a leave without pay status from July 1, 1972, to August 17, 1972, the date that approval of her disability retirement was apparently received.

However, by a travel authorization issued June 13, 1972, Mrs. Smith was authorized to travel from Parris Island, South Carolina, to Chicago, Illinois, for a temporary duty assignment of about 7 days duration with travel to commence on or about June 24, 1972. On June 22, 1972, Mrs. Smith was issued a Government travel request for the authorized travel. In accordance with the travel authorization of June 13, 1972, Mrs. Smith used the travel request to travel to Chicago on June 24, 1972, and to return to Parris Island on June 30, 1972. Since Mrs. Smith was officially in a sick leave status prior to and during the period of travel and in a leave without pay status after the travel, you question whether she may be properly reimbursed for the expenses of this travel.

[Temporary Duty Travel Expenses During Sick Leave Status]

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Section 1.3 of Office of Management and Budget Circular No. A-7, revised effective October 10, 1971, provides that only travel expenses essential to the transaction of official business may be reimbursed. Generally an employee who has been officially placed in a nonduty status such as sick leave or leave without pay due to his physical inability to perform his official duties would not be entitled to reimbursement for travel expenses incurred by him while he is in a nonduty status because he could not be regarded as performing travel essential to the transaction of official business. In this regard section 6.5a(1) of Circular No. A-7 provides that per diem is not allowable for periods during which an employee is on a leave of absence. Although section 2.4 of Circular No. A-7 authorizes reimbursement for an employee's return transportation expenses when he becomes incapacitated due to illness while en route to or at a temporary duty station and section 6.5b(1) provides for continuance of per diem for 14 days when a traveler takes a leave of absence because of being incapacitated due to illness, these provisions would not be applicable to situations where the employee becomes incapacitated due to illness prior to his departure on a temporary duty assignment. Cf. B-156013, February 26, 1965.

In the present case Mrs. Smith notified her agency that she was physically unable to continue performing the duties of her position prior to the date she departed for the temporary duty assignment. On this basis she requested and was placed by the agency in a sick leave status prior to and during the period of her travel for temporary duty. Accordingly, absent a determination by the proper agency officials and a correction of agency records to reflect that Mrs. Smith was physically capable of performing and in fact performed the official duties required by the temporary duty assignment, she would not be entitled to reimbursement for travel expenses incurred during this period.

In view of the above the voucher will be retained in our files and may not be paid.

Sincerely yours,

R. F. Keller

Deputy Comptroller General  
of the United States