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

B-171266

FEB 24 1971

Mrs. Luella S. Howard
Authorized Certifying Officer
Department of Housing and Urban Development

Dear Mrs. Howard:

We refer to your letter dated November 9, 1970, with enclosures, requesting our decision as to whether a travel voucher in favor of Mr. Ilmars Bergmanis could be properly certified for payment. By letter dated December 18, 1970, we advised you that a decision could not be rendered in the absence of a further explanation of the reclaim voucher. In a memorandum dated January 7, 1971, Mr. Bergmanis whose official station is Chicago, Illinois, furnished us with additional information.

We were informally advised by your office that Mr. Bergmanis was allowed per diem for 11 1/2 days on the original voucher in which he claimed 14 3/4 days. His reclaim is for the difference of 3 1/4 days. He indicated in his letter to our Office that the days in question are July 2, 3, 4, and 5. The last two of those days (Saturday and Sunday) were nonworkdays, and we presume July 3 was also a nonworkday (holiday) for employees whose basic workweek is Monday through Friday. 5 U.S.C. 6103(b)(1). ✓ Mr. Bergmanis stated that he did not return to his official station during the nonworkdays but went on a trip at personal expense to Toronto, Canada.

The Standardized Government Travel Regulations, paragraph 6.3, provide in part as follows:

"A traveler will be considered to be in subsistence status on nonwork days unless he returns to his official station or place of abode from which he commutes daily to his official station, or unless such nonwork day is immediately preceded and followed by leave of absence: Provided, That per diem in lieu of subsistence may not be paid for more than 2 nonwork days where the leave of absence is immediately preceded and followed by nonwork day(s)."

This language requires the termination of subsistence status only when the above conditions exist. Here the claimant did not return to his

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place of abode or official station nor were the nonworkdays immediately preceded and followed by a leave of absence. Thus, and since there is no showing that the claimant was required to return to his official station on nonworkdays, payment of per diem for July 3, 4, and 5 appear proper.

Mr. Bergmanis states that he "had a full day off on July 3rd because of the overtime earned some other time." However, since July 3 was a non-workday it is possible that he is referring to July 2 (Thursday) which was a regularly scheduled workday. Further information is therefore needed to determine his entitlement, if any, to per diem for July 2. In this connection we call your attention to that part of section 6.3 of the Standardized Government Travel Regulations which controls the question of per diem allowances when leaves of absence occur wholly within a single day. The pertinent language is as follows:

"Fractional leave of absence wholly within a day, where for half of the prescribed working hours or less, will be disregarded for subsistence purposes; where it exceeds half of the prescribed working hours no subsistence will be allowed for the day."

On the basis of the present record the enclosed reclaim voucher may be certified for payment in the amount of \$60. An additional amount may possibly be due upon your obtaining additional information from Mr. Bergmanis concerning July 2.

FORNITURE
 Per diem
 Fractional days
 status

Sincerely yours,

R.F.KELLER

Assistant Comptroller General
 of the United States

Enclosure