



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

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B-179584

January 4, 1974

Mr. Frank A. Schorr  
Authorized Certifying Officer  
Bureau of Indian Affairs  
United States Department of the Interior  
P. O. Box 8327  
Albuquerque, New Mexico 87108

Dear Mr. Schorr:

This is in reply to your letter of August 24, 1973, requesting our decision as to the applicability of two prior decisions of this Office, 24 Comp. Gen. 179 (1944) and 19 Comp. Gen. 414 (1939), with regard to a reclaim travel voucher submitted by Mr. Eugene B. Quadri, an employee of the Bureau of Indian Affairs.

Mr. Quadri is claiming per diem for the period in which he was assigned to represent the Bureau in conducting a group of National Education Association representatives on a tour of the area. You state that a portion of the amounts reclaimed by Mr. Quadri represent an overnight stay at the Hilton Hotel, Albuquerque, New Mexico, and were originally disallowed on the basis that Mr. Quadri resides in Corrales, only 15 miles from the hotel. We note however, from a copy of the original travel voucher, that amounts claimed for two overnight stays in Albuquerque were certified for payment. The amounts disallowed and reclaimed are for time spent in or near Santa Fe, which you state were disallowed because Santa Fe is Mr. Quadri's permanent duty station.

Regarding the claims for per diem for temporary duty in Santa Fe and Albuquerque, the Standardized Government Travel Regulations (SGTR), in force and effect during the time in question, read in pertinent part as follows:

"6.6 Per diem computation rules. a. No allowance at permanent duty station. Per diem in lieu of subsistence will not be allowed an employee either at his permanent duty station or at his place of abode from which he commutes daily to his official station. \* \* \*

[Claim for Per Diem]

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"1.4 Official station—post of duty. Designated post of duty and official station mean one and the same, the limits of which will be the corporate limits of the city or town in which the officer or employee is stationed, but if not stationed in an incorporated city or town, the official station is the reservation, station, or established area, or, in the case of large reservations, the established subdivision thereof having definite boundaries within which the designated post of duty is located."

In our decision of October 2, 1939, 19 Comp. Gen. 414, 415, cited in your submission as B-6042, we found that there was "no provision of the law or SGTR precluding payment of a per diem in lieu of subsistence to an employee in an authorized travel status simply because he is assigned at a place which happens to be his home." In this case, paragraph 6.6(a) of SGTR, supra, does prohibit payment of a per diem for temporary duty at the employee's place of abode from which he commutes daily to his official station. However, we find nothing in the applicable statutes and regulations which prohibits payment of a per diem simply because an employee is assigned to a place within 15 miles of his permanent residence. The determination as to allowance of a per diem in that case is wholly within the discretionary authority of the agency, to be guided by the direction and caution contained in paragraph 6.3(a) of SGTR, that:

"It is the responsibility of each department and agency to authorize only such per diem allowances as are justified by the circumstances affecting the travel. Care should be exercised to prevent fixing per diem rates in excess of those required to meet the necessary authorized subsistence expenses. \* \* \*"

Accordingly, we have no objection to the certification of those amounts on the original voucher for per diem at Albuquerque.

Our decision of September 4, 1944, 24 Comp. Gen. 179, cited in your submission as B-43793, concerned a claim for per diem for temporary duty 3 miles beyond the boundary of Washington, D. C., the employee's official station. We held that whether or not performance of duty beyond the corporate limits of the official station constituted a travel status depended upon the facts of the case. Under the circumstances of that case the employee was allowed per diem since the particular duties assigned were of such a nature as to render the employee's return to his home or official station each day impracticable thus subjecting him to

greater inconvenience and expense than the performance of duty at his office.

Unlike the employee in our decision of September 4, 1944, Mr. Quadri is reclaiming per diem for duty within the corporate limits of his permanent duty station. This case falls clearly within the prohibition of paragraph 6.6(a) of SGTR, supra. Nevertheless, in support of his claim, Mr. Quadri stated on his reclaim voucher that:

"NOTE: Santa Fe is traveler's official duty station. However, Commissioner's assignment forced traveler to remain in the overnight lodging used by the tour group; therefore, use of motel accommodations necessitated by assignment as tour director and not by traveler's own choosing."

In this connection we have held that the subsistence of civilian employees at their official duty station is personal to such employees and in the absence of specific authority may not be provided at Government expense regardless of any unusual working conditions involved. B-159163, September 11, 1970, copy enclosed, and cases cited therein. Since we find no specific authority for use of the Bureau's general appropriation for the expense incurred by Mr. Quadri in Santa Fe, the per diem on the reclaim voucher, which is returned herewith, may not be certified for payment.

Sincerely yours,

R.F.KELLER

Deputy Comptroller General  
of the United States