



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

31223

B-178826

July 30, 1973

Mr. K. W. Farrey
Disbursing Officer
Naval Station, Adak, Alaska
Box 2
FPO Seattle, Washington 98791

Dear Mr. Farrey:

We refer to your letter of May 31, 1973, reference 19/100000/103000/-
KWF:ma 7240, submitting for advance decision a travel voucher in favor of
Mr. James E. Wood, an employee of your agency, for renewal agreement
travel.

The record indicates that Travel Order No. T-034-73, issued at Head-
quarters, Naval Station, Adak, Alaska, on July 3, 1972, authorized air
travel for Mr. Wood and his dependents from Adak, Alaska, to Corpus Christi,
Texas, and return. Mr. Wood and his dependents departed Adak on August 16,
1972, and flew to Portland, Oregon, arriving there on August 17, 1972. They
departed Portland via private automobile on August 21, 1972, and arrived in
Corpus Christi on August 26, 1972. On August 30, 1972, they departed
Corpus Christi via private automobile and arrived in Portland, Oregon, on
September 2, 1972. On September 3, 1972, they traveled via air and arrived
at Adak on September 4, 1972.

Mr. Wood submitted a travel voucher claiming, among other items, mile-
age at 12 cents per mile for the round trip between Portland and
Corpus Christi. In support of the voucher he enclosed a copy of his travel
order with a first endorsement dated August 16, 1972, amending the order
to authorize advantageous automobile travel at 12 cents per mile from
Corpus Christi to Portland, from the Commanding Officer, Naval Station,
Adak, serial number 7471. You state the claim for mileage is doubtful
because the log indicates that numbers 7469 and 7470 are dated September 25,
1972, and the retained file contains identical copies of the first endorse-
ment with one bearing the August date and the other bearing the date of
September 26, 1972. Inasmuch as serial number 7471 should have been issued
on or about September 26, 1972, after the travel had been performed, you
believe it is probable the endorsement amending Mr. Wood's travel orders
was issued on an after-the-fact basis despite the August 16, 1972 date it
bears. In this connection you point out that the reverse of Mr. Wood's

720192

091436

B-178826

original travel order shows that a Transportation Request for round-trip air transportation between Adak, Alaska, and Corpus Christi, Texas, was issued on August 15, 1972, just one day prior to Mr. Wood's departure and the date of the endorsement amending the orders.

The amendment of a travel order is governed by paragraph C2053, Joint Travel Regulations, Volume 2, which provides:

C2053 AMENDMENT OF TRAVEL ORDER

1. PURPOSE. An issued travel order may be changed or corrected within certain limitations by the issuance of an amendment. An amendment may be issued before or after completion of travel under the order being amended to:

1. recognize some essential aspect of travel not known in advance,
2. change the period or place of temporary duty assignment,
3. include omitted pertinent information,
4. change allowances for unperformed travel or duty,
5. correct erroneous information or clerical errors that do not affect reimbursement retroactively.

2. RETROACTIVE PROHIBITION. An amendment will not be issued with retroactive effect changing per diem or mileage rates and basis of reimbursement therefor on travel performed under the authority prescribed in a travel order (28 Comp. Gen. 732).

3. EFFECTIVE DATE OF AMENDMENT. The effective date of an amendment is the date of issuance unless a later date is specified. However, the amendment may indicate retroactive effect under the conditions in subpar. 1. An amendment authorizing an increase or decrease in rates of per diem or mileage and basis of reimbursement therefor will apply only to unperformed travel on and after the effective date. When practicable, an amendment changing allowance amounts should

B-178826

be made effective on a date that an employee reasonably may be expected to receive the amendment or advance notification of the effective date should be furnished the employee concerned.

It is the general rule that legal rights and liabilities in regard to travel allowances vest when travel is performed and that travel orders may not be revoked or modified retroactively so as to increase or decrease rights which have become fixed under statutes or regulations unless error is apparent on the face of the orders, or all the facts and circumstances clearly demonstrate that some provision previously determined and definitely intended has been omitted through error and inadvertence in preparing the orders. 23 Comp. Gen. 713 (1944); 24 id. 439 (1944); 28 id. 732 (1949); and 51 id. 736 (1972).

Based upon the present record it appears that Mr. Wood's travel order was erroneously amended to retroactively authorize mileage in lieu of the air transportation previously authorized. Accordingly, we are of the opinion that the amendment to the travel order is invalid. Therefore, Mr. Wood's allowance for his travel and that of his dependents should be based on the actual air travel and constructive air travel for the portion performed by privately owned automobile. The voucher which is returned herewith may be paid only in accordance with the above.

Sincerely yours,

E. H. Morse, Jr.

For the Comptroller General
of the United States