

5607

B. Putnam

DECISION



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

FILE: E-189061

DATE: March 15, 1978

**MATTER OF: Richard F. Bollinger and Adam E. Muckenfuss -
Mileage Costs Between Residence and Official
Station**

DIGEST: Two civilian employees of Department of Agriculture claim reimbursement of mileage costs incurred for transportation between their residences and regular places of duty on nonregular workdays and for call-back overtime duty. The established rule is that an employee must bear cost of transportation between residence and official station. Also, agency may restrict mileage allowance when employee is reassigned to location within his official station or performs work at temporary duty post within reasonable commuting area. Agency policy to regard such expenses as normal commuting expenses and its application to claims in this case are not unreasonable. Therefore, mileage is not allowable.

Mr. Ralph H. Weaver, an authorized certifying officer of the Animal and Plant Health Inspection Service, United States Department of Agriculture, by letter dated May 6, 1977, requested our advance decision as to the propriety of paying travel vouchers submitted by Messrs. Richard F. Bollinger and Adam E. Muckenfuss, employees of the Plant Protection and Quarantine Programs, covering claims for mileage costs between their residences and their regular places of duty on nonregular workdays and for call-back overtime duty. The voucher submitted by Mr. Bollinger is for the period August 6, 1975, to December 20, 1976, with claimed travel expenses of \$212.38. Mr. Muckenfuss claims travel expenses in the sum of \$129.74 for the period January 14 to December 19, 1976.

The pertinent facts and circumstances upon which the claims are based are reported by the certifying officer as follows:

"* * * They perform inspectional services required to enforce the provisions of the Federal Plant Pest Act (7 USC 150 aa et seq) and the Plant Quarantine Act (7 USC 151 et seq). Inspections of cargo, baggage, mail, ships, vehicles, railway cars,

B-189061

aircraft and other articles are made at ports of entry to prevent the dissemination of plant pests and introduction of plant diseases and injurious insects into the United States. The officers also inspect and certify domestic plants and plant products for export.

"The regularly scheduled duties of many plant protection and quarantine officers involve assignments to multiple duty points on a rotational basis. The assignments are within a defined geographical area through which employees rotate on a regularly scheduled basis. It has been a long standing policy of the Plant Protection and Quarantine Programs that the employees who are assigned to an activity involving multiple duty points are responsible for the expenses of transportation for direct travel between their places of residence and their places of regular scheduled duty within the predesignated area. Such expenses are considered normal commuting expenses from home to work (work to home) regardless of whether regular, overtime, or call-back overtime duty is performed.

"The regularly scheduled duties of Messrs. Bollinger and Muckenfuss involve assignments to more than one duty point within a predesignated area and near Charleston. Each employee bears the expense of transportation between his residence and any one of his regularly assigned inspection sites within his designated area in accordance with the long established policy. * * *"

It is the contention of the claimants that transportation expenses incurred for travel to and from work on nonregular workdays or for call-back overtime duty should be at Government expense. Accordingly, their claims are for mileage costs incurred in the use of their privately owned automobiles between their residences and their places of regularly scheduled duty for overtime work performed.

The established rule, as stated in numerous decisions of this Office, is that an employee must bear the cost of transportation between his residence and his place of duty at his official station,

B-189061

absent statutory or regulatory authority to the contrary. 55 Comp. Gen. 1323, 1327 (1976); 46 id. 718 (1967); 36 id. 450 (1956); 27 id. 1 (1947); 16 id. 64 (1936); 11 id. 417 (1932); Matter of Department of Agriculture Meat Graders, B-131810, January 3, 1978; and Matter of Carl P. Mayer, B-171969.42, January 9, 1976. However, without abrogating that rule, we held in 36 Comp. Gen. 795 (1957), the decision cited by the claimants as supporting their claims, that it is within administrative discretion to permit an employee, authorized to use a privately owned vehicle on official business, an allowance for mileage from whatever point he begins his journey without a deduction for the distance he would normally travel between his home and headquarters, and irrespective of whether he performs duty at his headquarters on that day. We cautioned, however, that administrative officials may and should exercise their discretion, where appropriate, to restrict the amount of reimbursement by way of a reduced rate or distance. Decision 36 Comp. Gen. 795 is distinguishable from the instant case in two significant respects. Initially, the cited decision involved employees who were authorized to use their privately owned vehicles for official business. The claimants here were not so authorized. They used their automobiles for transportation to and from work at their places of regularly scheduled duty and not for official business. Secondly, the cited decision involved Civil Service Commission investigators who, due to the nature of their work, required the use of transportation throughout the day in the performance of their duties. The claimants, on the other hand, did not require the continuous use of transportation in the performance of their duties at their various duty points. See Matter of Brian E. Charnick, B-184175, August 5, 1975.

We are unable to agree with the contention by the two employees that transportation expenses incurred for travel to and from work on nonregular workdays or for call-back overtime duty should be at Government expense. Our decisions hold to the contrary. In this regard, we have stated that although such transportation expenses may be increased by the performance of overtime duty or other emergency conditions, this does not change the basic rule that an employee must bear the expense of travel between his residence and his official duty station. Matter of White Sands Missile Range, B-185974, March 21, 1977, and B-171969.42, supra.

With respect to the applicability of Mayer, supra, to their claims, Messrs. Bollinger and Muckenfuss contend that such decision does not apply to their situation because their overtime work was not

B-189081

voluntary. In the cited case, the claim was for mileage costs between the employee's residence and his official duty station to perform voluntary overtime work on nonregular workdays. Therefore, the conclusion reached therein was couched specifically in terms of overtime work performed on a voluntary basis. However, that decision did not establish that mileage allowances will be paid when the overtime work is ordered or required and is therefore involuntary. Specifically stated, irrespective of whether overtime work is performed on a voluntary or involuntary basis, there is no authority to reimburse an employee mileage costs incurred for travel by privately owned vehicle between his residence and official duty station. Matter of White Sands Missile Range, supra.

We have held that it is a proper exercise of administrative discretion for an agency to issue regulations which impose restrictions on the mileage allowance which may be paid to its employees who are assigned to temporary duty locations within the reasonable commuting area of their headquarters. Matter of William A. Gates, B-188862, November 23, 1977, and B-175808, December 28, 1973. The same conclusion has been reached where agency policy imposes such restrictions when an employee has been reassigned to a work place within his official station. Matter of Arthur K. Henning, B-186065, October 8, 1976. In the instant case, the Department of Agriculture reports that it has been a long-standing policy of the Plant Protection and Quarantine Programs that employees who are assigned to an activity involving multiple duty points are responsible for the expenses of transportation for direct travel between their places of residence and their places of regularly scheduled duty within the predesignated area. Such expenses, as stated earlier, are considered by the administrative agency to constitute normal commuting expenses from home to work and work to home, irrespective of whether regular, overtime, or call-back overtime duty is performed. We are unable to perceive anything unreasonable with either the aforestated agency policy or its application to the claims of Messrs. Bollinger and Muckenfuss.

Accordingly, the travel vouchers submitted by the claimants, for reimbursement of mileage costs incurred between their residences and regular places of duty on nonregular workdays and for call-back overtime duty, may not be certified for payment.

Deputy

R. J. Kellum
Comptroller General
of the United States