

DECISION



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

128965

FILE: B-217921

DATE: January 29, 1986

MATTER OF: Captain Kenneth R. Peterson, USA

DIGEST:

An Army officer was authorized to rent a car for use with another officer while on temporary duty. An accident occurred while the car was driven by the other officer. This officer, though not specifically authorized to rent a car on his travel order, was authorized to use that car for official business. Since the accident occurred while the driver was performing official business, payment may be made to the rental company for the deductible amount of damages required by the rental contract.

An Army officer was authorized to rent a car for his use together with another member for transportation while on a temporary duty assignment. An accident occurred at the time the car was being driven at the temporary duty location by the Army officer whose orders did not authorize the car rental. We are asked whether a direct payment may be made by the Government to the car rental agency of the deductible amount required by the rental contract for damage to the rented vehicle.^{1/} We conclude that payment may be made since the officer was authorized to use the rental vehicle for official travel and since it may be determined that he was using the car for official travel when the damage occurred.

^{1/} Major T. A. Stout, Finance and Accounting Officer, Fort Leavenworth, Kansas, submitted this request for a decision and it has been assigned PDTATAC control number 85-6 by the Per Diem, Travel and Transportation Allowance Committee.

EST 13

Captain Kenneth R. Peterson and Captain Kaleo L. Elia, Headquarters, Combined Army Training Activity, Fort Leavenworth, Kansas, were ordered to perform temporary duty at Fort Monroe, Virginia, to attend a meeting. Captain Peterson was authorized a rental car on his travel orders for his use together with Captain Elia for transportation at the temporary duty location while on the assignment.

Captain Peterson rented a car from Budget Rent A Car on November 27, 1984. He declined to purchase "Collision Damage Waiver" coverage to provide accident collision insurance coverage for the first \$1,000 of loss or damage.

The rental car was driven by Captain Peterson for the initial travel required. However, on the morning of November 28, Captain Elia drove from his quarters intending to go to a drug store to obtain needed medication. While en route he was involved in a traffic accident. Captain Elia was cleared of all charges in connection with the accident.

Captain Peterson paid the usual rental charges and has been reimbursed. Budget Rent A Car submitted the claim for the deductible amount, the amount Captain Peterson became contractually obligated to pay for the loss through collision damage to the rental car in the maximum amount of \$1,000.

The submission states that most commands minimize the use of rental cars by requiring that travelers share the car when a group travels to a temporary duty point. Normally, only one person is authorized a rental car even though other members of the group may have a requirement to use the rental car in conducting official business.

In accordance with para. 1-3.2c of the Federal Travel Regulations, incorp. by ref., 41 C.F.R. § 101-7.003 (1984), para. M4405-1c of the Joint Travel Regulations, Volume 1, provides that extra collision damage insurance, "Collision Damage Waiver," will not be purchased but that a member may be reimbursed up to the deductible amount as contained in the rental contract for personal funds paid to rental car agencies for damage sustained by an automobile properly rented, and damaged in the performance of official business. Such deductible amount may also be paid directly to the car rental company.

It is clear that Captain Elia was authorized by the Army to drive the rental car although the cost of the rental was authorized on Captain Peterson's orders. We find no specific requirement in law or regulation that a specific authorization be included in an individual's travel orders to use a Government controlled vehicle on official business. Accordingly, Captain Elia could drive the rental car on official business.

Captain Elia was driving the rented car from his lodgings to go to a drug store to obtain required medication at the time the accident occurred. We find that, by analogy to the rule applicable to the use of Government owned or leased vehicles, this travel was travel for official purposes. Even though certain travel which is primarily for the sustenance, health or comfort of the traveler may not be considered official travel for purpose of reimbursement on a mileage basis or for payment of taxi fares, it is considered travel for official purposes when it merely involves the use of a Government controlled vehicle. The rule applicable to the use of a Government owned or leased vehicle is equally applicable to vehicles rented for official business. See 1 JTR para. M4406-1, which specifically provides that Government controlled vehicles may be driven on necessary trips to drug stores.

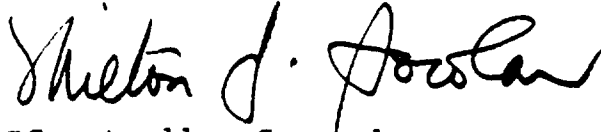
Under the rental contract Captain Peterson became liable for the payment of the deductible amount of \$1,000 to Budget Rent A Car because the automobile was damaged in the performance of official business. This amount would have been reimbursable to Captain Peterson if he had paid from personal funds. However, as provided by regulation the Government may pay the deductible amount directly to the car rental company. 1 JTR para. M4405-1c(2); B-162186, May 28, 1971.

Under the terms of the rental contract liability for the deductible amount of the damage to the rental car is established regardless of a question of negligence. However, as indicated in B-162186, supra, in appropriate circumstances the Government may find it advantageous to make claim against the negligent party to recoup the amount involved.

09056

B-217921

For the reasons stated the voucher payable to Budget
Rent A Car submitted may be paid.

A handwritten signature in cursive script, reading "Shelton J. Fowler".

Acting Comptroller General
of the United States