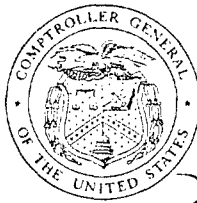


DECISION



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

M. Golden
P. L. I

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FILE: ~~B-191415~~

DATE: January 12, 1979

MATTER OF: Susan P. Covell - [Reconsideration - Temporary
For Duty - Parking Fees and Telephone Installation
and Service Charges by Employee on Extended Temporary Duty]

OF Denial of claim

- DIGEST:
1. Employee on extended temporary duty traveled by privately owned automobile restricted to reimbursement of constructive cost of travel by common carrier may not be reimbursed separate parking fees charged at rented apartment complex. Additional costs for parking resulted from employee's election to travel by automobile.
 2. Travel orders may not be revoked or modified retroactively after travel has been performed so as to increase or decrease the rights that have accrued and become fixed under applicable law and regulation.

The Office of Audits of the U. S. Civil Service Commission requests reconsideration of that part of our decision B-191415 dated, October 17, 1978, which disallowed reimbursement of parking fees to Susan P. Covell incident to a temporary duty assignment. The Office of Audit questions our refusal to allow \$220 in parking fees incurred by Ms. Covell at the apartment complex where she resided during a temporary duty assignment in Boston, Massachusetts. The Travel Order No. MB-50 dated October 1, 1976, authorized travel and actual subsistence expenses incident to the temporary duty assignment for the period February 21 through July 1, 1977. The order permitted transportation by common carrier or in lieu thereof, travel by privately owned automobile (POA) not to exceed the constructive cost.

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Our decision disapproving reimbursement was based on the reasoning that the parking costs resulted from the employee's personal preference to travel by automobile. The parking costs would not have been incurred had air transport been utilized. We concluded that there was "no basis for allowing Ms. Covell reimbursement for parking fees in addition to reimbursement of the constructive cost of travel by common carrier."

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Dec.

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In its reconsideration request, the Office of Audit has submitted a memorandum issued subsequent to the Covell case which it views as confirming a long-standing internal practice that the use of a POA on audit engagements of long duration is advantageous to the Government and necessary to avoid undue hardship to the audit staff. Applying standards provided in the memorandum to the Covell facts, the Office of Audit concludes that Ms. Covell's use of a POA was not a matter of personal preference, but was advantageous to the Government and was necessary to avoid undue hardship.

In effect, the Office of Audit is arguing that it should be allowed to alter the determination underlying the travel order from use of the POA due to personal preference limited to constructive cost reimbursement to reimbursement of parking fees based on a determination that the use of the POA is a benefit to the Government and avoids undue hardship to the worker. This would necessitate a retroactive amendment of the travel authorization from "Limited to constructive cost and Per Diem based on Common Carrier" to "travel by automobile is authorized as advantageous to the Government."

The general rule applied by this Office is that travel orders may not be revoked or modified retroactively after travel has been performed so as to increase or decrease rights that have accrued and have become fixed under applicable law and regulation. 57 Comp. Gen. 367, 369 (1978); B-176236, October 30, 1972. The exception to this rule is that travel orders may be amended to correct an error apparent on the face of the orders or where the facts and circumstances demonstrate that some provision previously determined and definitely intended has been omitted through error or inadvertance, 51 Comp. Gen. 367, 369 (1978). The record does not establish that any of the exceptions are applicable in this case.

Section 5704, title 5, United States Code, authorizes payment on a mileage basis for the use of POA by employees when engaged on official business within or outside their designated place of service and in addition authorizes reimbursement for parking fees. Section 1-4.1c of the Federal Travel Regulations (FPMR 101-7) (May 1973) provides in part that:

"Reimbursement for the cost of automobile parking fees, ferry fees, bridge, road, and tunnel costs; * * * shall be allowed in addition to the mileage allowance unless the

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travel orders or other administrative determinations restrict such allowance."

It is clear that under the above-cited provision and regulations an employee who is authorized to use his car on official business may be reimbursed for the cost of the parking fees. The travel order would have to show that the travel by automobile on a mileage basis was administratively determined to be to the advantage of the Government. See 42 Comp. Gen. 181 (1962).

The Office of Audits argues that, "the constructive cost limitation has consistently been interpreted . . . (by their office) to apply only to the constructive cost of travel to and from the audit site. It has never been interpreted to include local travel costs required during (temporary duty) assignments."

Parking fees at place of lodging at a temporary duty station are not separately reimbursable where the travel order specified travel by common carrier or POA cost not to exceed that of common carrier. Reimbursement is limited to such constructive cost. Ms. Covell's travel cost by automobile, exclusive of the parking fees, exceeded the constructive cost of travel by airplane. She has been reimbursed the full constructive cost. Thus, no further payment is due her in this matter. Based on the foregoing, we affirm our prior determination in this matter.


Deputy Comptroller General
of the United States