

Legal Dept

11 March 1947

OGC Has Reviewed

MEMORANDUM TO ASSISTANT CHIEF, FISCAL SECTION

Subject: Per Diem and Transportation Expenses

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1. Reference is made to your memorandum to this office, dated 5 March 1947, concerning the travel claim of [redacted]. You question the legality of payments to Mr. [redacted] for per diem and transportation charges in connection with his travel to New York in view of the established rule prohibiting payment of per diem to an employee and transportation expenses in reporting to first point of duty.

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2. You state that a request was received by your office, under date of 15 December 1946, that orders be issued for Mr. [redacted] to cover travel from Washington to New York on temporary duty for approximately ninety days. You state that information has been received that the Personnel Division is transferring [redacted] official station from Washington to New York effective 23 February 1947. The facts concerning his employment and termination by OSW and subsequent employment by OIG, set forth in your memorandum, are noted.

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3. The Branch concerned has advised the undersigned that the occasion for the travel to New York was of a real temporary nature in view of the circumstances existing at that time. Subsequently, it was determined that the interests of the Government would be served better if [redacted] were permanently transferred to New York and, upon such a determination, request for change of station was initiated.

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4. In view of the above, it is believed that the expenses of per diem and transportation charges are a proper expenditure and, in the event the items were questioned by GAO, a satisfactory explanation could be furnished. It is suggested that a statement be furnished by the Branch explaining in detail the circumstances surrounding the request for [redacted] travel to New York and subsequent change of official station. If, as appears, the travel and transfer were for the convenience of the Government and not for the personal convenience of the employee, there would seem to be no legal objection to the payment of expenses involved.

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[redacted]
Assistant General Counsel