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B-115463, Sep 18, 1953

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B-115463, SEP 18, 1953

THE SECRETARY OF THE ARMY:

REFERENCE IS MADE TO YOUR LETTER DATED MAY 22, 1953, ENCLOSING LETTER OF APRIL 16, 1953, FROM THE COMMANDING GENERAL, UNITED STATES ARMY CARIBBEAN, REQUESTING A DECISION RELATIVE TO PAYMENT FROM GOVERNMENT FUNDS OF FEES FOR MOTOR VEHICLE OPERATORS' LICENSES REQUIRED FOR THE OPERATION OF ARMY VEHICLES IN FOREIGN COUNTRIES.

THE LETTER FROM THE COMMANDING GENERAL, U. S. ARMY, CARIBBEAN, STATES THAT THE INTER-AMERICAN GEODETIC SURVEY, A SUBORDINATE COMMAND OF ITS HEADQUARTERS, OPERATES 17 PROJECT OFFICES IN AS MANY LATIN AMERICAN COUNTRIES; THAT MILITARY PERSONNEL ASSIGNED TO THE PROJECTS ARE PLACED ON PERMANENT DUTY AND CIVILIAN PERSONNEL, CONSISTING OF ENGINEERS AND AUTOMOTIVE MECHANICS, ARE ASSIGNED ON TEMPORARY DUTY AS NECESSITATED BY OPERATIONAL REQUIREMENTS; AND THAT, IN SOME OF THESE COUNTRIES, DRIVERS' LICENSES ARE OBTAINED ON A NONFEE BASIS WHEREAS IN OTHERS FEES CONSIDERABLY IN EXCESS OF THOSE USUAL IN THIS COUNTRY ARE CHARGED. FOR EXAMPLE, IT IS STATED THAT IN VENEZUELA THE LICENSE FEE IS BETWEEN $60 AND $70. THE VIEW IS EXPRESSED IN THE SAID LETTER THAT THE COST OF SUCH LICENSES SHOULD BE REIMBURSABLE SINCE THE ABILITY TO DRIVE A VEHICLE IS NOT A REQUIRED QUALIFICATION OF THE ENGINEERING PERSONNEL AND IT WOULD APPEAR THAT NEITHER THEY NOR THE AUTOMOTIVE MECHANICS SHOULD BE COMPELLED TO OBTAIN DRIVERS' LICENSES NOT DIRECTLY REQUIRED FOR THE PERFORMANCE OF DUTIES FOR WHICH THEY WERE HIRED AND WHICH THEY WERE NOT REQUIRED TO POSSESS TO QUALIFY FOR APPOINTMENT TO THE POSITION HELD BY THEM. SUPPLEMENTARY INFORMATION FURNISHED BY LETTER OF AUGUST 13, 1953, FROM THE ADVISORY SERVICES DIVISION, OFFICE, CHIEF OF FINANCE, IS TO THE EFFECT THAT EFFORTS TO SECURE PERMITS ON A NO FEE BASIS THROUGH APPROPRIATE CHANNELS WERE UNSUCCESSFUL AND THAT VENEZUELAN LAW PROHIBITS THE ISSUANCE OF CHAUFFEURS LICENSES TO OTHER THAN VENEZUELANS. IT IS STATED THEREIN ALSO THAT THE CIVILIAN PERSONNEL USUALLY ARE ASSIGNED TO TOURS OF DUTY OF NOT LESS THAN SIX MONTHS; THAT THEY POSSESS NO PERSONAL CARS IN THE COUNTRY; THAT APPROXIMATELY 20 PERCENT OF THE WORKING TIME IS SPENT IN DRIVING; AND THAT IT IS MORE ECONOMICAL TO PROCURE THE LICENSES AT GOVERNMENT EXPENSE THAN TO EMPLOY LOCAL CHAUFFEURS.

UNDER THE DECISIONS OF THIS OFFCE, IT LONG HAS BEEN HELD THAT THE EXPENSE OF SECURING A DRIVERS PERMIT NECESSARY TO CARRY ON OFFICIAL DUTIES FOR WHICH THE EMPLOYEE WAS HIRED IS PERSONAL TO THE EMPLOYEE AS AN INCIDENT TO QUALIFYING FOR THE POSITION FOR WHICH EMPLOYED AND THE COST THEREOF MAY NOT BE CHARGED TO FEDERAL FUNDS. 23 COMP. DEC. 386; 3 COMP. GEN. 663; 6 ID. 432; 15 ID. 519; 21 ID. 769. THIS RULE HAS BEEN APPLIED IN SITUATIONS WHERE THE EMPLOYEE IS REQUIRED TO OPERATE A MOTOR VEHICLE IN THE PERFORMANCE OF HIS DUTIES FOR WHICH HIRED AND

WHERE THE LICENSING AGENCIES HAVE BEEN STATE GOVERNMENTS OR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA.

IN THE INSTANT CASE, THESE CONDITIONS DO NOT OBTAIN. ALSO, THE RECORD INDICATES THAT THE ALTERNATIVE OF HIRING CHAUFFEURS WOULD RESULT IN GREATLY INCREASED COST TO THE GOVERNMENT. THEREFORE, IN THE INSTANT CASE, WHERE IT IS ADMINISTRATIVELY DETERMINED TO BE MORE ADVANTAGEOUS TO THE GOVERNMENT TO SECURE SUCH PERMITS AT GOVERNMENT EXPENSE THAN TO HIRE LOCAL CHAUFFEURS, THIS OFFICE WILL NOT OBJECT TO THE PAYMENT OF DRIVING LICENSE FEES FOR THOSE PERSONNEL WHO DO NOT POSSESS DRIVING PERMITS IN CONNECTION WITH THE OPERATION OF THEIR PERSONAL CARS WITH THE UNDERSTANDING THAT PERMITS WILL BE OBTAINED ONLY FOR SUCH EMPLOYEES WHOSE TENURE IN SUCH FOREIGN COUNTRY CAN BE REASONABLY EXPECTED TO BE OF SUCH DURATION AS TO WARRANT THE EXPENDITURE.