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DECISION



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

FILE: B-185826

DATE: MAY 28 1976

MATTER OF: Bennie L. Pierce - Reimbursement of
Subsistence Expenses

DIGEST:

1. Voucher covering reimbursement for lunch consumed in travel status in addition to lunch consumed on airplane flight during same day may not be paid because, where meals are included in price of ticket and are provided during flight, it is not proper to allow reimbursement for duplicate meals, in the absence of objective justifying circumstances.
2. Although no voucher accompanied request for decision as to whether employees authorized actual subsistence expenses in travel status may be reimbursed expenses for snacks, decision is rendered because the problem is recurring and general in nature and the Comptroller General has broad authority under 31 U.S.C. § 74 to render decisions to heads of departments on any question involved in payments which may be made by their departments.
3. Where employee is authorized actual subsistence incident to official travel, expenditures made by him for snacks, in addition to regular meals, may not be reimbursed since such snacks are not necessary expenses of subsistence.

By a letter dated January 22, 1976, Mr. Edwin J. Fost, Chief, Accounting Section, Office of Controller, Drug Enforcement Administration (DEA), of the United States Department of Justice, requested our decision regarding the propriety of reimbursement for a lunch consumed in travel status on November 6, 1975, by Mr. Bennie L. Pierce, an employee of the Administration, in addition to a lunch consumed during a commercial airplane flight on the same day. In addition, we

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were requested to advise whether "a claim for actual expenses as snacks (in addition to regular meals) may be reimbursed, if supported by a statement that it is a habit."

By DEA Travel Authorization dated November 4, 1975, Mr. Pierce was authorized to travel from Dallas, Texas, to Washington, D. C., and return, for the purpose of being interviewed by the DEA Headquarters Career Board relative to an overseas assignment. In addition to air travel by common carrier, Mr. Pierce was authorized actual subsistence in an amount not to exceed \$42 per day.

Upon return to his permanent duty station, Mr. Pierce submitted his travel voucher for actual expenses in Washington, D. C., which included an item of \$4.30 for lunch on November 6, 1975. This item was suspended by the DEA Dallas Regional Office because lunch was served to Mr. Pierce on Braniff Airline Flight No. 114 which departed Dallas at 9:20 a.m., c.s.t., and arrived in Washington, D. C., at 1:30 p.m., e.s.t. Mr. Pierce resubmitted his claim for \$4.30 with a statement that he did not have time to eat breakfast as a result of furnishing transportation to a colleague earlier in the morning. Mr. Pierce further stated that the meal, his first of the day, was "certainly not a heavy lunch," and that, including the food served on the flight, he consumed only three meals for the day.

Under Subsection 5702(d) of title 5, United States Code, as amended by Public Law 94-22, May 19, 1975, 89 Stat. 84, and the regulations issued pursuant thereto, it is clear that only actual and necessary expenses of subsistence are reimbursable. See Federal Travel Regulations (FPMR 101-7) para. 1-8.1a (May 1975). Also, we have held that the statute and its implementing regulations contemplate reimbursement only for items essential or indispensable to subsistence. B-164366, August 16, 1968.

When meals are included in the price of an airline ticket and in fact are provided during the course of a flight, it is not proper to allow reimbursement for duplicate meals purchased after the traveler leaves the plane, in the absence of justifiable reasons why the traveler did not partake of the meals served on the flight or, if he did so, why extra meals were required. B-157312, May 23, 1966.

In the present case, Mr. Pierce contends that he did not have time to eat breakfast, and that the meal consumed on the flight was his first of the day. In this connection he states that he left his home at 6:45 a. m., picked up his colleague at 7 a. m., arrived at the airport at 8:30 a. m., and boarded his plane at 9 a. m. Viewed objectively, however, there does not appear to be any reasonable explanation as to why Mr. Pierce was unable to eat breakfast prior to leaving his home, however early such departure may have been. There is, then, no authority by which the claim for reimbursement of the \$4.30 item may be granted. Accordingly, reimbursement of that item may not be made.

We have, in addition, been requested to render a decision whether snacks, in addition to regular meals, may be reimbursed if supported by a statement that the consumption of such snacks is a usual habit. Under the authority contained in 31 U. S. C. § 82d, a certifying officer is entitled to a decision by the Comptroller General on a question of law involved in payment on a specific voucher which should accompany the submission for certification to our Office. While no voucher accompanied the request for a decision regarding the snacks, because the problem raised by the request is recurring and general in nature, we are rendering our decision under the broad authority of 31 U. S. C. § 74 pursuant to which we may provide decisions to the heads of departments on any question involved in payments which may be made by that department. 52 Comp. Gen. 83, 84 (1972); 53 Comp. Gen. 71, 72 (1973).

As noted above, under the provisions of 5 U. S. C. § 5702(c) and the Federal Travel Regulations, only actual and necessary expenses of subsistence are reimbursable. Thus, we have previously determined that a traveler's expenditures for newspapers, candy, pop, and coffee and rolls not consumed as part of a regular meal are not necessary expenses of subsistence. B-167820, October 7, 1969. It follows, then, that a traveler's expenditures for snacks, however habitual and documented, are not necessary expenses of subsistence and, therefore, may not be reimbursed.

R. F. KELLER

(Deputy) Comptroller General
of the United States