

00753

MICHAEL VOLPE  
Civ. PENS.

**DECISION**



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

**FILE:** B-185885

**DATE:** November 8, 1976

**MATTER OF:** Richard Washington - Claim for actual  
subsistence expenses at official duty  
station

**DIGEST:** Employee claims actual subsistence expenses at his  
official duty station incident to his duties as  
coordinator for Vice-President's Public Forum on  
Domestic Policy which required his continued  
presence at local hotel. However, absent specific  
statutory authority, employee is not entitled to  
subsistence or per diem at official duty station  
regardless of any unusual working conditions.

This action is in response to the request for an advance  
decision from Ms. May V. Smith, an authorized certifying  
officer of the Department of Housing and Urban Development (HUD)  
Region IX, reference 9AF, regarding payment of the voucher of  
Mr. Richard Washington, an employee of HUD, for actual  
subsistence expenses incurred at his official duty station.

The record indicates Mr. Washington was assigned to the  
"logistics team" which was responsible for all local arrangements  
for the Vice-President's Public Forum on Domestic Policy held at  
the Los Angeles Convention Center on December 9, 1975.  
Mr. Washington states that his responsibilities as executive  
assistant of the logistics team required his presence at the  
Hyatt Regency Hotel in Los Angeles from December 6 through  
December 10, 1975, to handle any problems arising from the  
arrangements made at the hotel or the Convention Center. His  
voucher is prepared on an actual expense basis and includes  
lodging at the hotel for 4 nights and meals for 5 days. The  
authorized certifying officer questions whether the voucher may  
be paid in light of the fact that Mr. Washington's official  
duty station is Los Angeles and in light of paragraph 1-7.6a of  
the Federal Travel Regulations (FPMR 101-7) (May 1973), and a  
decision of this Office, 53 Comp. Gen. 457 (1974), cited in the  
submission as B-179584, January 4, 1974.

B-185885

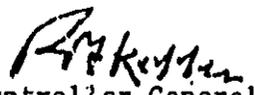
Paragraph 1-7.6 of the Federal Travel Regulations provides, in pertinent part:

"a. No allowance at permanent duty station. Per diem in lieu of subsistence may not be allowed an employee either at his permanent duty station or at his place of abode from which he commutes daily to his official station.\* \* \*"

We have consistently held that absent specific statutory authority, the Government may not pay subsistence expenses or per diem to civilian employees at their headquarters or official duty station, regardless of any unusual working conditions. See B-182586, December 17, 1974, and cases cited therein. In our decision in 53 Comp. Gen. 457, supra, we therefore, held that the employee concerned could not be paid per diem at his official duty station.

Although Part 8 (Chapter 1, FTR) providing for reimbursement of actual subsistence expenses does not contain an express prohibition on allowance at the employee's permanent duty station, it is nonetheless provided in para. 1-8.1 (as amended by Temporary Regulation A-11, May 19, 1975) that such reimbursement "is normally contingent upon the entitlement to per diem (see 1-7) and the determination that the authorized maximum per diem allowance would be inadequate to cover the actual and necessary expenses of the traveler." Thus, it is clear that actual expenses incurred at the employee's official station may not be reimbursed under FTR Chapter 1, Part 8.

Accordingly, the voucher may not be certified for payment.

  
Acting Comptroller General  
of the United States