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I. Richman

DECISION



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

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FILE: B-192246

DATE: January 8, 1979

MATTER OF: Mr. James H. Morrill-^{add.} [Reimbursement
for meal]

- DIGEST:
1. Agency disallowed employee's claim for cost of dinner purchased after arrival at temporary duty station in a high cost geographical area since employee traveled on airplane flight on which dinner was served and included in ticket price. Employee's reasons for not eating the furnished meal and purchasing a meal on arrival are that because of official duties he ate a late lunch and only 1-1/2 hours later dinner was served to him on flight well in advance of normal dinner hour. Payment in that situation may be made since employee has a justifiable reason for his action.
 2. Claims amounting to less than \$25 should normally be handled by certifying and disbursing officers under the procedures authorized in the letter of July 14, 1976, and need not be submitted to the Comptroller General for decision.

This action is in response to a memorandum dated June 2, 1978, reference N41/238, from Mr. W. Smallets, Chief, Finance and Accounting, National Security Agency, Central Security Service, Department of Defense, requesting an advance decision on a travel claim voucher for reimbursement of a dinner meal, purchased by Mr. James H. Morrill, an employee stationed at Fort George G. Meade, Maryland. The request was forwarded here by endorsement dated June 22, 1978, from the Per Diem, Travel and Transportation Allowance Committee, under PDTATAC Control No. 78-26.

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The employee concerned was assigned to temporary duty in a high cost geographical area and may be reimbursed on an actual expense basis for necessary subsistence expenses, including cost of meals. In traveling by air from the east coast for 2 days' temporary duty on the west coast, the employee departed at 2:15 p. m. Eastern Standard Time. A "dinner" meal was provided to the individual by the airline at approximately 3:30 p. m. Eastern Standard Time. Since, as a result of official duties, the employee had had a late lunch just prior to the plane's departure, he did not eat that meal but claims reimbursement for the cost of the meal purchased after arrival at the

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temporary duty location. Scheduled arrival of his flight on the west coast was 4:45 p. m. Pacific Standard Time.

The claim for such dinner meal was administratively disallowed in view of our decisions in Matter of Bennie L. Pierce, B-185826, May 28, 1976, and Matter of Thomas P. Woll, B-186820, February 23, 1978, wherein we held that:

"When meals are included in the price of an airline ticket and are in fact provided during the course of the 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."

The question presented involves a matter of judgment with respect to the particular facts of the given case. When a traveler does not eat a meal provided by an airline and then claims the cost of a meal taken after arrival at the temporary duty location (at which he is allowed subsistence on an actual expense basis), he must have "justifiable reasons" for such action. The abbreviated facts in this case provide more than one basis on which a determination of justifiable reason could be predicated, i. e., the employee ate a late lunch because of official duties, the "dinner" meal provided by the airline was served well before the normal dinner hour; the employee was scheduled to arrive earlier than the normal dinner hour at his destination; and the travel resulted in extending the traveler's day by 3 hours. Thus, there appears to be sufficient basis for the action taken by the traveler in this case. Accordingly, we hold that the claim may be paid if otherwise correct.

We have found that treatment of claims for minor amounts at the request of disbursing and certifying officers is an expensive and time consuming function which can appropriately be handled by the individual agency. Accordingly, on July 14, 1976, we issued a letter to the heads of departments and agencies, disbursing and certifying officers. That letter is as follows:

"Under existing law disbursing officers and certifying officers may apply for and obtain a

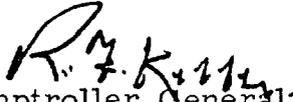
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decision by the Comptroller General of the United States upon any question involving a payment to be made by them or a payment on any voucher presented for certification. 31 U.S.C. 74, id. 82d.

"In order to obtain the protection afforded by the cited statutory provisions numerous questions involving minor amounts are presented for decision by the Comptroller General. The General Accounting Office and the agencies involved incur inordinate administrative costs in processing these requests for decision and the necessity for dealing with them serves to delay attention to questions involving more significant amounts and subjects.

"Therefore, in lieu of requesting a decision by the Comptroller General for items of \$25 or less, disbursing and certifying officers may hereafter rely upon written advice from an agency official designated by the head of each department or agency. A copy of the document containing such advice should be attached to the voucher and the propriety of any such payment will be considered conclusive on the General Accounting Office in its settlement of the accounts involved."

We recognize that this claim was originally denied by the certifying officer and that upon appeal from that action the claim was submitted for advance decision because of the uncertainty as to whether the facts presented a justifiable reason for allowance. However, we reemphasize our position that in cases involving an item of \$25 or less and, in order to avoid unnecessary requests for decisions in the future in such cases, the accounting officer should obtain a determination from the appropriate agency official in accordance with our letter of July 14, 1976. Such action normally should enable the accounting officer to settle the claim without a request for advance decision.


Deputy Comptroller General
of the United States