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DECISION



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

FILE: B-199526

DATE: February 23, 1981

MATTER OF: Donnie W. Daniels ^[Claim For] Funeral Travel Expenses]

DIGEST: In the absence of a statute expressly authorizing payment, the costs of travel incurred by an employee, who traveled as the official representative of his station on official travel orders to attend the funeral of a deceased son of a fellow employee, are not reimbursable, not having been incurred while traveling on official business.

This matter concerns the appeal by Mr. Donnie W. Daniels of his claim for travel expenses incurred in connection with his attendance at the funeral of the son of a fellow patrol officer of the U.S. Customs Service, Department of the Treasury.

Customs Patrol Officer Daniels was issued a travel order authorizing the reimbursement of travel expenses to be incurred by him in attending the funeral of the son of a supervisory patrol officer. He was told that he would be sent as the official representative of the Deming, New Mexico Station, in travel status. He attended the funeral under travel orders with the approval of the Patrol Director and was reimbursed for the travel expenses incurred. It is also reported that, while on the travel in question, Mr. Daniels visited post personnel and discussed customs patrol officer matters with the station supervisor.

Subsequently, the Customs Service states, it was realized that the travel order approving this expense was outside the scope of authority granted the authorizing official by the applicable law and regulations. Mr. Daniels was, therefore, advised that he is required to repay the amount paid to him for travel expenses.

Mr. Daniels' claim must be denied because the travel expenses in question could not lawfully be approved by the authorizing official. We so held in B-166141, February 27,

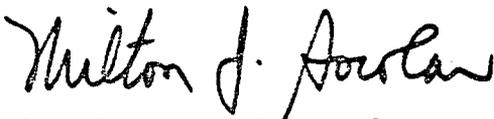
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1969. That decision involved Dr. Herman Roth, an employee of the Atomic Energy Commission, who incurred travel expenses while attending the funeral of a former employee. He was authorized to attend the funeral as the official representative of Oak Ridge Operations and reimbursement for the travel was authorized in his travel order. Nevertheless, we held that the voucher could not be certified for payment. In so holding we stated as follows:

"In the absence of a statute expressly authorizing payment of expenses incurred by an employee in attending a funeral such expenses may not be regarded as having been incurred while traveling on official business within the meaning of the travel laws and regulations. Regardless of the fact that Dr. Roth was the only employee authorized to attend the funeral at Government expense and that he was designated as the official representative of the agency we perceive of no valid basis for reaching any different conclusion with respect to Dr. Roth's travel than that stated in the decision of July 1, 1957 [B-129612] ***."

Accordingly, the amount claimed was not lawfully reimbursed to Mr. Daniels and he is required to repay it to the U.S. Customs Service.


for the Comptroller General
of the United States