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## DECISION

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

FILE: B-202985

DATE: March 4, 1982

MATTER OF: Robert L. Starnes - Actual subsistence  
expenses

DIGEST: Employee on temporary duty delayed return from temporary duty site in order to eat dinner. Because of this delay he also took a taxicab to the airport instead of using less expensive common carrier. Whether employee should be reimbursed meal and taxi costs depends on agency determination as to whether it was unreasonable to expect employee to eat dinner at home rather than before departure from temporary duty station.

This action responds to a letter dated April 14, 1981, from Mr. Lyle R. Brown, a certifying officer with the U.S. Environmental Protection Agency (EPA), requesting an advance decision on the claim of Mr. Robert Starnes for reimbursement for the cost of dinner and a taxi fare incurred incident to a temporary duty assignment. The question of whether an employee imprudently delayed his return to his permanent duty station and unnecessarily incurred additional costs is for determination by the agency.

Mr. Starnes was authorized travel from Seattle, Washington, to Portland, Oregon, and return on March 19, 1981. He concluded his official business in Portland in sufficient time to travel by common carrier to the airport and to board Northwest Airlines' 5:35 p.m. flight to Seattle. Instead, he delayed his travel in order to eat dinner in Portland. Because of this delay he took a taxi to the airport and returned to Seattle by a Northwest Airlines flight which departed at 6:40 p.m. No meal was provided aboard either flight and travel by either qualified for the same reduced airfare. The earlier flight arrived in Seattle at 6:13 p.m. Had he taken the earlier flight, it appears that he would have returned home before 7:30 p.m.

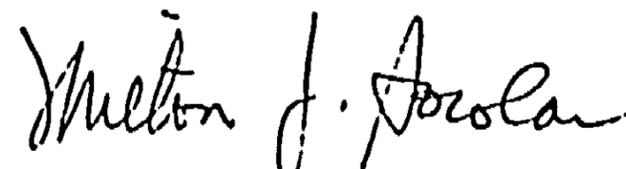
The certifying officer inquires whether the cost of the meal and taxi should be reimbursed in light of Comptroller General decision Roscoe L. Simmons, B-189622, March 24, 1978. The Simmons case involved an employee who purchased dinner at the airport after his return flight and immediately

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before departing for his residence. He claimed reimbursement for the cost of that meal notwithstanding the general rule that subsistence expenses incurred by the traveler at his permanent duty station, his residence, en route to or from a nearby airport, or at the airport may not be reimbursed. In holding that he could not be reimbursed, we noted the employee's "election to have dinner at the airport rather than at home was a purely personal choice, dictated at least in part by his preference as to time of eating. Therefore \* \* \* the cost of this dinner was a personnel expense \* \* \*." Also see Robert A. Jacobson, B-198775, April 16, 1981.

Unlike Simmons, the case before us now involves the purchase of a meal prior to the return flight and while at the temporary duty station. This case is similar to those in which we have considered claims for reimbursement of actual subsistence expenses for the purchase of breakfast on the morning of an employee's departure from his residence. See for example, H. Curtiss Burrell, B-195940, December 26, 1979, and Samuel S. Rey, B-197830, April 22, 1980. In those cases we noted that the controlling consideration was the amount of time between the employee's departure and the lunch hour and that it is up to the agency to decide whether eating breakfast at home is unreasonable under the circumstances.

In these cases the primary consideration is the amount the employee's eating routine would have been interrupted had he taken his meal at home. The determination whether it would be unreasonable to expect the employee to eat dinner at home is a matter primarily for the agency concerned. In this particular case it is not clear that the official who approved Mr. Stamnes' travel voucher was aware of the availability of the earlier flight or gave consideration to the reasonableness of Mr. Stamnes' decision to delay his return to Seattle in order to eat dinner at the temporary duty location. Under the circumstances we concur with the certifying officer's determination to withhold the \$13 dinner expense and the \$12 taxi fare pending an administrative determination of the prudence of the traveler's actions.

for   
Comptroller General  
of the United States