

DECISION

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

26349

FILE: B-211220**DATE:** September 27, 1983**MATTER OF:** Per Diem Claim**DIGEST:**

As part of a per diem claim, a Navy member claimed lodging costs which a Navy investigation determined not to be factual. A fraudulent claim for lodgings taints the entire claim for per diem for days for which fraudulent information is submitted and per diem payments will not be made to an individual for those days.

A lieutenant in the Navy requests reconsideration of our Claims Group's December 22, 1982 disallowance of his claim for per diem. The claim must be disallowed since the Navy has determined that his claim was based on statements that were not factual in regard to lodging, and the officer has not submitted evidence to refute the Navy's finding. A fraudulent statement with respect to lodging costs taints the entire claim for per diem requiring its disallowance.

The claimant performed temporary duty under competent orders at the Navy Recruiting Command, Orlando, Florida. Government quarters and messing were not available. He submitted a claim and was paid per diem for 29 days at the rate of \$41 per day for the period March 13 through April 10, 1981, in the amount of \$1,189. The lodging costs he claimed to have incurred during this period were fees and charges he indicated he paid at various campgrounds where he stayed in his camper. However, based on a Naval Investigative Service report that his claim was not based on lodging costs actually incurred, the claim was considered to be tainted with fraud and the entire amount paid for per diem was disallowed and collection was made from his pay.

The claimant, in his original request for payment, contended that when he first submitted his travel claim he included times, dates, and places of his itinerary but did not claim any specific amounts. He indicated that he had lost his receipts for the campsite fees and that on advice of finance officials he had submitted estimates of daily expenses which were subsequently disallowed on his voucher. He stated that the Naval Investigative Service was unable to confirm his estimates or to verify that he had been at various campsites in the Orlando area on the days he indicated he had stayed there. He further indicated that he

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B-211220

was unsuccessful in his previous attempt to repay the unsubstantiated lodging expenses and retain the remainder of the per diem. Payment was denied on the grounds that claims must be based on true facts and it is incumbent upon the claimant to furnish evidence satisfactorily establishing the clear liability of the United States. Further, payment was not authorized since evidence was not provided to refute the determination by the Navy that the claim was of doubtful validity.

In his appeal, the claimant contends that he understood that a new claim which did not include lodgings expense would not be tainted by fraud as long as it was supported by Navy orders with appropriate endorsements establishing his presence in the Orlando area.

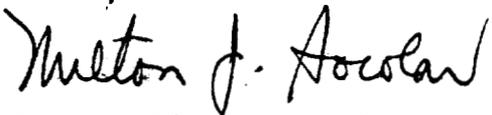
The disbursing officer's request for the Naval Investigative Service investigation of the lodging costs claimed was made pursuant to paragraph 041357, Navy Comptroller Manual, False, Fictitious, or Fraudulent Claims. Based on the Investigative Service report, which the Navy indicates showed the claimant's statements in regard to lodging were not factual, and our decision Matter of Fraudulent Claims, 57 Comp. Gen. 664 (1978), collection of the per diem was made. In that decision (page 668) we held that where discrepancies are glaring or they are frequently made, a finding of fraud could be made absent a satisfactory explanation by the claimant.

A fraudulent claim for lodgings taints the entire claim for per diem for days for which fraudulent information was submitted and payment for those days will be denied the claimant. Matter of Fraud - Travel Expense Claims, 59 Comp. Gen. 99 (1979).

In this case the member claimed per diem on the basis of lodging costs which he could not verify and the Navy investigation determined to be not factual. He has made no response to the Navy's findings other than to drop his claim for the lodging portion of the per diem. In these circumstances the Navy's action appears appropriate.

B-211220

Accordingly, the action of our Claims Group disallowing the claim is sustained.

for 
Comptroller General
of the United States