

**DECISION**



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

**FILE:** B-215702

**DATE:** March 22, 1985

**MATTER OF:** Randall R. Pope and James L. Ryan--Meals at Headquarters Incident to Meetings

**DIGEST:** Employees of the National Park Service sought reimbursement for meal costs incurred while attending a monthly Federal Executive Association luncheon meeting. Meal costs may not be reimbursed. The meetings were held at the employees' official duty station and the employees meals were not incidental to the meetings, a prerequisite for reimbursement, since the meetings took place during the luncheon meals. B-198471, May 1, 1980, explained.

This responds to a request from an authorized certifying officer of the National Park Service, Midwest Region, asking whether two employees may be reimbursed for luncheon meal expenses incurred while attending a Federal Executive Association meeting within the employees' duty station area. We conclude that the meals may not be reimbursed upon the vouchers as submitted.

It is the policy of the Midwest Region of the National Park Service for a Park Service representative to attend monthly luncheon meetings of the Omaha-Lincoln Federal Executive Association (FEA). The purpose of these meetings is to enable representatives of various Government agencies to meet and discuss issues of mutual concern and interest. In May 1984, Mr. Randall Pope attended the FEA meeting in Millard, Nebraska, located within the corporate limits of Omaha, his official duty station. He submitted a claim for reimbursement that included \$5.25 representing the cost of a meal served at the meeting. In June 1984, Mr. James Ryan, the Associate Regional Director, attended a meeting held in Omaha, also his official duty station, and submitted a claim for reimbursement of \$6 for the cost of a meal.

The certifying officer asks whether these two employees may be reimbursed for their expenses in light of the apparent conflicting holdings in our decision in Frank W. Kling, B-198882, March 25, 1981, where reimbursement under similar circumstances was denied, and 38 Comp. Gen. 134 (1958), which allowed reimbursement.

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As a general rule, an employee may not be paid a per diem allowance in lieu of subsistence at his permanent duty station. Federal Travel Regulations, para. 1-7.6a (Supp. 1, September 28, 1981), incorp. by ref. 41 C.F.R. § 101-7.003 (1982). We have consistently held that, absent specific statutory authority, the Government may not pay subsistence expenses or furnish free meals to civilian employees at their official duty stations. Our decision in Frank W. Kling, B-198882, supra, reflected this general rule. There, the heads of various law enforcement agencies in Detroit, Michigan, attended monthly luncheon meetings to maintain and facilitate open communication within the law enforcement community. We held that an IRS employee could not be reimbursed for these luncheons, even though they benefited his agency, since they were held at his official duty station thus clearly in contravention of Federal Travel Regulations (FTR), para. 1-7.6a. See also, 53 Comp. Gen. 457 (1974).

Reimbursement is available if an employee pays a fee to attend a conference at his official duty station and a meal is provided at no additional or separable cost. This was our holding in 38 Comp. Gen. 134 (1958). Specific authority for such reimbursements is found in 5 U.S.C. § 4110 (1982) which provides:

"Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities."

Reimbursement under 5 U.S.C. § 4110 has also been allowed in limited circumstances where the only charge made in connection with a meeting was for meals. In B-198471, May 1, 1980, reimbursement for meals only was authorized for employees attending the 3-day 1980 annual meeting of the President's Committee on Employment of the Handicapped. A luncheon and two banquets were integral parts of the annual meeting. The decision explained that where meals are not included in a registration fee, reimbursement is appropriate only if (1) the meals are incidental to the meeting, (2) attendance of the employee at the meals is necessary to full participation in the business of the meeting; and (3) the employee was not free to partake of his meals elsewhere without being absent from essential formal discussions, lectures or speeches concerning the purpose of the meeting.

What distinguishes the above case from the Kling case, supra, and from the case at hand is that the President's annual meeting was a 3-day affair with meals clearly incidental to the overall meeting, while in the other cases the only meetings which took place were the ones which took place during a luncheon meal. It is therefore difficult to determine whether the meals were incidental to the meetings or whether the meetings were incidental to the meals. In order to meet the three-part test, a meal must be part of a formal meeting or conference that includes not only functions such as speeches or business carried out during a seating at a meal but also includes substantial functions that take place separate from the meal. In any event, we are unwilling to conclude that a meeting which lasts no longer than the meal during which it is conducted qualifies for reimbursement. We therefore conclude that reimbursement for meal expenses in this case should not be allowed even though participation at the meetings was clearly beneficial to the employing agency.

*for* Harry R. Van Cleave  
Comptroller General  
of the United States