

**DECISION**

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

**FILE:** B-219154

**DATE:** September 12, 1985

**MATTER OF:** Fraudulent Travel Claim

**DIGEST:**

An Army member on temporary duty for approximately 41 days submitted a fraudulent travel voucher. The member admitted the amounts claimed for meals were not accurate, and he also admitted that he and several other members had used the authorized rental car for other than official purposes. Since the subsistence expenses and car rental are tainted by fraud, the member may not be reimbursed for any of these expenses.

This action is in response to a request for reconsideration of our Claims Group's April 8, 1985 disallowance of a U.S. Army staff sergeant's claim for travel expenses incident to temporary duty he performed. We find that the travel expenses may not be reimbursed since the travel voucher he submitted was fraudulent.

Background

The sergeant was stationed at Fort Gordon, Georgia, when by orders issued November 16, 1983, he and four or five other members were directed to perform temporary duty beginning January 8, 1984, for approximately 41 days in Burlington, Massachusetts. He was to travel by commercial air and was authorized the use of a rental car in Burlington. The sergeant received \$3,139 in advance for travel expenses. Upon his return to Fort Gordon, he filed a voucher for the expenses incurred during temporary duty. Total expenses claimed for the period involved, January 8-February 17, 1984, were \$3,599.67: lodging-\$1,804, laundry and dry cleaning-\$61.50, meals-\$1,022.17, car rental-\$602, fuel-\$94 and taxi to the airport and from the airport-\$16.

The sergeant's superiors apparently suspected the travel voucher was fraudulent and ordered an investigation. Pursuant to the investigation the sergeant provided the Military Police with a statement in which he admits that the voucher was not accurate. He stated that he did not keep records of his expenses and that the amounts listed were estimated. The investigation revealed that he had claimed amounts for breakfast and lunch which exceeded what

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was actually spent. In addition, he claimed meal and other expenses pursuant to his temporary duty during two periods when he had been in a military hospital and had purchased no meals and had no other expenses. He also admitted that the rental car had been used for personal business by himself and several other members.

After the completion of the investigation, the Army apparently took disciplinary action against the sergeant and instituted action for collection of \$3,123 of the amount advanced to him. Payment of \$16 for taxi fare to and from the airport was allowed. The sergeant subsequently filed a claim for reimbursement for lodging, car rental and a "reasonable amount" for meals. This claim was denied by the Army Finance and Accounting Officer since the sergeant was guilty of submitting a fraudulent travel claim. The matter was then forwarded to our Claims Group which denied the claim on the same basis.

#### Analysis

When an employee or military member submits a voucher and part of the claim is based on fraud, those items which are based on fraud should be denied. 57 Comp. Gen. 664 (1978); 59 Comp. Gen. 99 (1979). With regard to subsistence expenses, the voucher may be separated according to individual days, with each day constituting a separate item of actual subsistence expenses. Burlington, Massachusetts, is located in a high cost area (Middlesex County) so the sergeant's allowable maximum daily subsistence expenses, including lodging, meals, and laundry expenses, would have been limited to \$75 per day. Joint Travel Regulations, vol. 1, chapter 4, Part A, Appendix L. For those days for which fraudulent information is submitted, expenses are denied. A fraudulent claim for lodging or meals taints the entire claim for subsistence for that day. 61 Comp. Gen. 399 (1981), 59 Comp. Gen. 99 (1979).

The sergeant has acknowledged that none of the figures on his travel voucher accurately reflects the amounts he spent on his meals and stated that he is unable to provide exact figures since he kept no records or receipts. Thus, the subsistence expense claim for every day is tainted by the fraud, and no payment may be made for subsistence expenses.

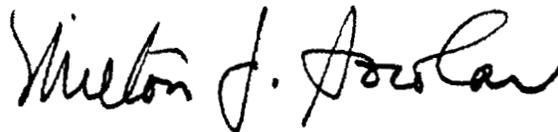
The sergeant also requests reimbursement for car rental. Rental of a vehicle is authorized on his travel orders so apparently it was necessary to conduct official

business during the temporary duty assignment. The regulations governing vehicle rental provide for payment of rental expenses including the actual rental and the gasoline, when members are authorized such a vehicle. See 1 JTR paragraph M4405 (Ch. 350, April 1, 1982). Use of vehicles rented at Government expense is limited to official business, including travel to procure meals as set out in the regulations. See 1 JTR paragraphs M4405, M4415.

The sergeant acknowledges that he and several other members used the vehicle for unauthorized travel and personal business in violation of the regulations. However, it is unclear how much of the travel was for personal use and how much was for official business.

The receipt for rental of the vehicle shows that the claim for \$602 consists of several parts. The vehicle was rented for 5 weeks and 6 days at a cost of \$420.35, an additional \$179.01 was charged for additional mileage and \$2.64 was charged by the rental company for gasoline. The sergeant also submitted receipts for additional gasoline at a total cost of \$94. Since it is unclear that the rental car would have been necessary for the full 41 days had it not been used for personal travel, and it appears that the mileage and gasoline charges would have been smaller had personal travel not been performed, the claim for rental car expenses is tainted by the fraud and must be disallowed.

In conclusion, since neither the subsistence or automobile rental expenses claimed by the sergeant is free from the taint of fraud, the disallowance of the sergeant's travel claim is affirmed. He is left to pursue his claim in court if he wishes. 41 Comp. Gen. 285 (1961).



Acting Comptroller General  
of the United States