



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Karen A. Killian

File: B-223500

Date: March 16, 1987

DIGEST

An employee was assigned to perform support duties at a government-sponsored conference held at a hotel located within the city limits of her permanent duty station. Even though she stayed overnight at the hotel, the employee is not entitled to meal and lodging costs in view of the express prohibition against payment of per diem or actual subsistence expenses within the limits of the city that constitutes the employee's official duty station.

DECISION

In this decision, we hold that Ms. Karen A. Killian, an employee of the Office of Surface Mining, Department of the Interior, is not entitled to per diem or actual subsistence expenses to cover lodging and meal expenses she incurred within the city limits of her permanent duty station.^{1/}

Ms. Killian claimed lodging and meal costs arising from her temporary stay at a hotel where a conference was being sponsored by her office. According to the administrative report, she incurred these expenses between May 12 and May 15, 1986, in order that she might be available in the evening hours to assist an office director in hosting the conference. She was responsible for room, equipment, and supply arrangements for each day's session, and for providing secretarial services for persons attending the conference.

Although located 8 to 12 miles apart, the hotel and the office where she regularly reported for duty were both situated within the city limits of Pittsburgh, Pennsylvania.

^{1/} The Chief, Branch of Operations, Office of Surface Mining, Reclamation and Enforcement, requested our decision.

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The Chief, Branch of Operations, Office of Surface Mining, Reclamation and Enforcement questions whether payment of per diem or actual subsistence expenses is proper under these circumstances. He points out that Ms. Killian's travel voucher fails to show that she worked later than 6 p.m. at the conference. Most significantly, he states that her permanent duty station and the hotel were in Pittsburgh.

By regulation, Federal employees are expressly prohibited from receiving per diem or subsistence expenses for meals and lodging at their permanent duty stations. See Federal Travel Regulations, paras. 1-7.6a and 1-8.1a (Supp. 1, September 28, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1984). Also, see Department of Housing and Urban Development, 64 Comp. Gen. 447 (1985). An employee's permanent duty station is synonymous with his "official station or post of duty" which is defined by regulation as follows:

" * * * the limits of the official station will be the corporate limits of the city or town in which the officer or employee is stationed. * * *"
FTR par. 1-1.3c(1).

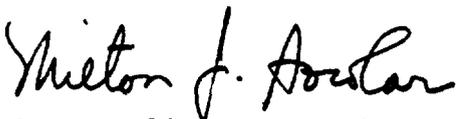
Consistent with the above regulations, we have disallowed a claim for lodging expenses under circumstances similar to Ms. Killian's. Our holding in Richard Washington, B-185885, November 8, 1976, involved an employee who was responsible for the arrangements for a conference held within the confines of his permanent duty station. We disallowed his claim for expenses he incurred for commercial lodgings in order to carry out his convention duties. To the same effect see 53 Comp. Gen. 457 (1974) disallowing lodging expenses claimed by an employee for nights he was directed to stay in a hotel within the limits of his duty station while serving as a tour guide.

The above cases are characterized by an absence of specific authority for the agency to pay lodging costs at headquarters and are to be contrasted with cases such as 48 Comp. Gen. 185 (1968) in which we have found that the Government Employee's Training Act, 5 U.S.C. § 4109, provides authority for agencies to reimburse necessary subsistence expenses incurred by those who attend training programs at their duty stations. While section 4109 extends to those employees who are actually assigned to training, we have recognized that other statutes may provide authority to pay subsistence expenses for those who serve as

trainers. For example, in ACTION, B-193034, July 31, 1979, we found in statutes authorizing the training of VISTA volunteers authority to pay the lodging and meal costs of those employees who served as trainers and who provided the round-the-clock supervision necessary to conduct an intensive 3 day training course for new VISTA volunteers.

In limited circumstances, we have recognized that employees who attend meetings at headquarters may be reimbursed subsistence expenses under the meeting expense authority of 5 U.S.C. § 4110. In Gerald Goldberg, B-198471, May 1, 1980, we held that section 4110 may provide a basis to reimbursement expenses for meals incurred at an employee's permanent duty station where (1) the meals are incidental to the meeting, where (2) the employee's attendance at meals is necessary to his fully participation and where (3) he is not free to partake of meals elsewhere. We declined, however, to authorize reimbursement for lodging costs incurred in attending that same meeting, finding no specific authority which would permit payment of lodging expenses in contravention of the general rule that an employee may not be reimbursed for subsistence expenses incurred at his permanent duty station. Gerald Goldberg, B-198471, March 18, 1981.

We are not aware of any specific authority to reimburse - subsistence expenses incurred at headquarters by an employee who, like Ms. Killian, incurred lodging expenses and meals which were not an integral part of training or attendance at a meeting. In the absence of any such authority, our holding in Richard Washington, B-185885, supra., would appear to be controlling. Accordingly, we hold that Ms. Killian's claim is disallowed, notwithstanding the fact that she incurred the lodging expenses in question at the direction of Government officials. B-182586, December 17, 1974.

for 
Comptroller General
of the United States