

Billard



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Reduced-Rate Per Diem for Temporary Duty
in Saudi Arabia - Availability of Meals
File: B-225985
Date: September 3, 1987

DIGEST

On the basis of amended travel orders stating that the use of government and/or contractor mess facilities would adversely affect their mission or be impractical, a certifying officer of the United States Army paid civilian employees of the Army Corps of Engineers on temporary duty in Saudi Arabia per diem for meals for periods they occupied government-furnished quarters where government-furnished meals were available. The certifying officer should take action to recoup per diem amounts paid in excess of the reduced rates authorized by regulation for temporary duty in Saudi Arabia where evidence clearly shows the employees requested the amendments to their orders for their personal convenience and none of the employees submitted a statement of nonavailability of meals from the commanding officer at the temporary duty point.

DECISION

This responds to a request for a decision of whether civilian employees of the United States Army Corps of Engineers may be required to take government-furnished meals while occupying government-furnished quarters while on temporary duty in Saudi Arabia. We conclude that on the facts found by the investigating officer that where no statement of nonavailability of meals from the commanding officer at the temporary duty station was submitted, per diem for subsistence in excess of reduced amounts authorized by regulation where government meals are furnished, should be recouped.

BACKGROUND

The TMDE Support Group, Redstone Arsenal, Alabama, regularly orders teams of from three to six employees on temporary duty to various locations in Saudi Arabia to provide

039909

calibration support to the Saudi Arabian Army Ordnance Corps in connection with foreign military sales. In May 1986, the Chief of Staff, United States Army Materiel Command, appointed an officer to investigate claims for meals, quarters and overtime that had been paid to civilian employees of some calibration teams. The finance and accounting officer's request presents the limited question of whether civilian employees of the Army Corps of Engineers may be required while occupying government-furnished quarters to take government-furnished meals. Although none of the employees submitted a statement of nonavailability of meals, the certifying officer paid the vouchers for per diem representing sums paid for meals and food purchased elsewhere. These vouchers were paid on the basis of travel orders that had been amended to state that government-furnished meals were impractical or would adversely affect the employees' mission.

These claims for increased per diem for meals arose from employees of certain calibration teams who were to perform temporary duty at Taif, Riyadh, and Khamis-Mushayt, Saudi Arabia. After arriving at the temporary duty sites objections were raised about the quality of the food provided by the government where the employees were occupying government-furnished quarters. One of the team leaders, a Mr. Stewart, requested an amendment to their travel orders to allow for any contingency that might arise during performance of temporary duty in Saudi Arabia. Mr. Troy Ellis, Director of Logistics of the TMDE Support Group, Redstone Arsenal, Alabama, signed the amended orders which stated:

"VOCO [Vocal Order of the Commanding Officer] Use of Government and/or contractor mess facilities will adversely effect [sic] mission."

Another team leader objected to the military commander at the temporary duty site. He was advised by the military commander that the messing facilities were considered adequate and if the employees did not use it they would not receive per diem at the higher rate.

DISCUSSION

Footnote 13, Appendix A, Volume 2, Joint Travel Regulations (2 JTR) sets forth the circumstances when civilian employees of the Army may be reimbursed for quarters and lodging while on temporary duty in Saudi Arabia. Footnote 13 also provides a table for reduced amounts of per diem when

government quarters and mess are available.^{1/} Footnote 13 provides in pertinent part that:

"On any day when quarters are furnished by the U.S. or Saudi Arabian Government of [sic] Department of Defense (DOD) sponsored contractors, and when at least two meals are available * * * a travel per diem allowance as specified for each location in the following table * * * is payable to personnel on temporary duty.* * *"

Following the table of daily rates, footnote 13 continues:

"For the purpose of this footnote, a meal will not be considered available when any one of the following conditions exists: (a) no meal is available for a particular mealtime; (b) the use of an available meal would adversely affect the performance of the employee's mission; (c) the use of a meal facility is impractical. The commanding officer (or his designated representative) at the temporary duty point will issue a statement for each mealtime when one of the conditions exists."

The employees were paid per diem in excess of the per diem authorized in footnote 13, Appendix A, 2 JTR. The per diem rate in footnote 13 is much lower than the normal per diem rate for Saudi Arabia found elsewhere in Appendix A because it is predicated upon government quarters and meals being available to the traveler incident to his/her official assignment through noncommercial facilities at costs far below those prevailing commercially. See Johnny S. Taylor, Jr., B-200794, July 23, 1981.

It is undisputed that the employees were occupying government-furnished quarters but did not use the available mess facilities provided by the government and that none of the employees presented a statement of nonavailability of meals, as required by the regulations.

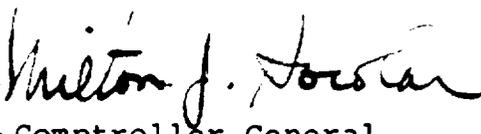
^{1/} These provisions implement the requirement of the Federal Travel Regulations that agencies authorize only such per diem allowances as are justified by the circumstances, giving consideration to factors which reduce costs such as locations where meals may be obtained at no cost or reduced cost. FTR, para. 1-7.3a (Nov. 1, 1981), incorp. by ref., 41 C.F.R. § 101-7.003 (1986).

It is clear that the appropriate agency officials at the employees' duty points in Saudi Arabia refused to make a determination of nonavailability of meals.

The orders were amended by personnel at Redstone Arsenal, Alabama, not on the basis of an independent determination of nonavailability by the orders-issuing officer or by officers at the temporary duty points, but on the subjective desires of the employees who made the requests. The employees requested the amendments for their personal convenience, and the basis for exercising the preference for commercial sources over government-furnished food was a personal evaluation of the quality of food at the mess facility.

We hold here that the employees on temporary duty in Saudi Arabia were not entitled to per diem in excess of the reduced rates authorized in footnote 13 of Appendix A, 2 JTR, while they were occupying government-furnished quarters and there is no statement of nonavailability of meals from the commanding officer at the temporary duty point or that use of government-furnished mess facilities was impractical or would adversely affect their mission. See Johnny S. Taylor, Jr., B-200794, supra.

Accordingly, action should be taken to recoup per diem amounts paid in excess of the reduced rates authorized by regulation for duty in Saudi Arabia.

for 
Comptroller General
of the United States