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The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Howard C. Moore - Claim for Per Diem During
Extended Weather Reconnaissance Flights

Matter of: B-229279

File: B-229279

Date: August 25, 1988

DIGEST

An employee who was assigned as a crew member aboard National Oceanic and Atmospheric Administration (NOAA) aircraft to perform weather reconnaissance flights out of Miami, Florida, claims per diem for the food he brings and consumes during the flights. The claim is denied since per diem may not be paid to the employee at his permanent duty station. Since the flights take off and land at Miami, both the aircraft and its airbase are the employee's permanent duty station.

DECISION

This decision is in response to a request from the Chief of the Finance Division, National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce. It concerns the entitlement of NOAA employees to purchase and be reimbursed for "take along" meals while performing weather reconnaissance flights. We conclude that they may not be so reimbursed for the following reasons.

BACKGROUND

The Office of Aircraft Operations (OAO) of NOAA is a facility located in Miami, Florida. Its mission encompasses a wide variety of functions including weather reconnaissance flights for research and forecasting. During severe weather situations such as hurricanes, NOAA aircraft participate in extended flights from Miami of 8 hours or longer and may cover distances exceeding 2500 nautical miles before returning to Miami. Persons on these flights include civilian NOAA employees and NOAA Commissioned Corps personnel, and may include other individuals who are not employed by the federal government.

In the past, OAO used operational funds to purchase food and beverages to stock their aircraft for crew consumption

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during these flights. In 1984, that practice was considered by the Department of Commerce's Office of the Inspector General as constituting an improper use of appropriated funds. A decision by this Office, 65 Comp. Gen. 16 (1985), confirmed that view and the practice was stopped.

Between 1984 and 1987, in lieu of stocking each aircraft with food and beverages, flight crew members purchased their own personal "take along" meals and were then reimbursed upon submission of a voucher under the regulations governing travel for less than 24 hours where lodging is not required. In September 1987, OAO published a policy change which terminated that practice. The change stated that:

"Flights on government aircraft originating and terminating at OAO headquarters [Miami], even if over 10 hours, are not considered travel unless there is a specifically designated TDY point. Brief landings, aircraft 'touch and goes,' and refueling stops, etc., are not considered as TDY points."

Mr. Howard C. Moore, Jr., a Flight Engineer with OAO, whose primary duties were to perform flights aboard weather reconnaissance aircraft as a member of the crew, questions the correctness of this policy change on his own behalf and on behalf of others. It is his view that regardless of whether the airplane lands at a point away from Miami, per diem should be authorized to an employee who must travel in an aircraft for many hours and who incurs additional costs by having to purchase food for the flight.

RULING

The provisions of law and regulations governing travel entitlements of civilian employees of the federal government are contained in subchapter I of chapter 57, title 5, United States Code (1982) and chapter 1 of the Federal Travel Regulations (FTR) (Supp. 20, May 30, 1986), incorp. by ref., 41 C.F.R. § 101-7.003 (1987) (FTR).^{1/} Section 5702 of title 5, United States Code, provides that an employee traveling on official business away from his designated post

^{1/} Since NOAA Commissioned Corps personnel are members of the uniformed services (37 U.S.C. § 101(13)), their travel allowances are governed by 37 U.S.C. 404 (1982), as amended, and Volume 1 of the Joint Travel Regulations (JTR) and effective January 1, 1987, Volume 1 of the Joint Federal Travel Regulations (JFTR). This decision does not address the entitlements of the NOAA Commissioned Corps.

of duty is entitled to a per diem allowance as authorized under appropriate regulations. Paragraph 1-7.4a of the FTR provides that per diem may not be allowed an employee at his official duty station and authorizes agencies to establish a broader area than the boundary of the official station as defined in FTR para. 1-1.3c(1) for per diem limitation purposes. NOAA has exercised that authority in this case.

Our decisions have held that when employees perform duties under the circumstances described above, they have not traveled away from their official duty stations and, thus, are not entitled to a per diem allowance. In Naval Surface Weapons Center, B-193542, June 19, 1979, we considered claims for per diem of civilian employees who were members of a crew aboard boats used for research and development and for recovery projects. We ruled in that case that even though the crews aboard these boats may be out of port for as much as 12 to 24 hours before returning, such duty was not temporary duty for which a per diem may be paid. We concluded that by the nature of the duties to be performed by the crew members, both the boat and the boat's port are the employee's permanent duty station.

Similarly, in 65 Comp. Gen. 16, supra, we stated that NOAA personnel stationed in Miami who perform extended flights involving severe weather research and who were not in a travel status were not entitled to cost-free meals aboard government aircraft.

In the present situation, Mr. Moore was employed by NOAA primarily as a crew member aboard weather reconnaissance aircraft performing extended flights which originate and terminate in Miami. In view of the NOAA policy that such flights are not deemed travel unless temporary duty is performed at a location away from Miami, we conclude that Mr. Moore and other civilian employees of the aircraft crew are not entitled to per diem while performing those duties.

for 
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