



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Herbert R. Gercke - Subsistence Expenses at
Permanent Duty Station
File: B-229181
Date: September 22, 1988

DIGEST

Per diem or subsistence expenses may not be paid to an employee at his permanent duty station except in limited emergency situations involving the protection of life or federal property. If no emergency exists payment of these expenses is not authorized.

DECISION

The question presented in this case is whether an employee who was provided lodging at government expense in the vicinity of his permanent duty station is entitled to reimbursement for meals and incidental expenses during a special assignment.^{1/} For the following reasons the employee's claim must be denied.

Mr. Herbert R. Gercke, an employee of the National Park Service stationed in San Francisco, was detailed to a Special Event Team to provide services during the Golden Gate Bridge birthday celebration in San Francisco.

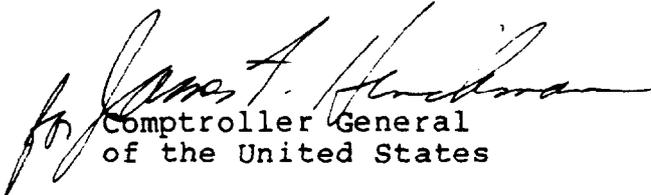
Mr. Gercke seeks reimbursement for meals and incidental expenses he incurred during the period May 22 through May 25, 1987, apparently on the basis that his duties were in the nature of law enforcement services and were necessary for the protection of life and federal property. No orders authorizing reimbursement for these expenses were issued. The government provided lodgings which Mr. Gercke used on May 23, 1987. The National Park Service denied his claim since the duty was performed at his permanent duty station and the record indicates that there was no situation threatening life or destruction of federal property.

^{1/} The question was presented by Mr. Foon C. Lee, Authorized Certifying Officer, National Park Service, Western Region.

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Under the provisions of Federal Travel Regulations, paragraph 1-7.6a an employee may not be paid per diem or actual subsistence expenses at his permanent duty station. This is the case even when unusual working conditions exist. Thomas R. Smith, B-186090, Nov. 8, 1976. Exceptions to this rule have been made in limited circumstances for the protection of life and federal property in emergency circumstances. 53 Comp. Gen. 71 (1973); Richard D. Rogge, B-189003, July 5, 1977. However, we do not regard normal law enforcement duties as coming within this exception to the rule.

In this case the record shows that there was no emergency situation requiring the protection of life or federal property. Accordingly, the action taken by the National Park Service in denying Mr. Gercke's claim was proper and is sustained.


Comptroller General
of the United States