

DECISION



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

538

FILE: B-196533

DATE: April 22, 1980

MATTER OF: Sergeant Samuel Ruiz, USAF

DIGEST: In the absence of legislation an enlisted member of the Air Force who is ordered to secure a commission as a notary public in connection with his military duties is not entitled to be reimbursed for any expenses associated with becoming one since these expenses are personal and are to be paid by the member.

The question presented is whether an enlisted member of the Air Force is entitled to be reimbursed expenses incurred incident to obtaining a commission of a notary public pursuant to orders of his commanding officer. Reimbursement for such expenses may not be made from appropriated funds.

The question was presented for an advance decision by the Accounting and Finance Officer, Headquarters 47th Flying Training Wing (ATC), Laughlin Air Force Base (AFB), Texas. Enclosed with the question is a voucher in the amount of \$33.48 payable to Sergeant Samuel Ruiz, USAF, 465-74-8185.

By letter of July 1, 1977, Sergeant Samuel Ruiz, a member of the Air Force, was designated to serve as a notary public at Laughlin AFB, Texas, as part of his official Air Force duties. In addition to designating him as a notary public the letter also stated that Sergeant Ruiz could be reimbursed for expenses incurred incident to obtaining a notarial commission from the State of Texas. Upon incurring the above expenses on May 15, 1977, Sergeant Ruiz submitted a claim for reimbursement.

The Accounting and Finance Officer questions the propriety of such payment since no law or regulation specifically authorizes reimbursement of these expenses for members of the Air Force, even though authority does exist to reimburse civilian employees of the Air Force

for certain expenses incurred in securing notarial commissions. See 5 U.S.C. 5945~~X~~(1976) and implementing regulations.

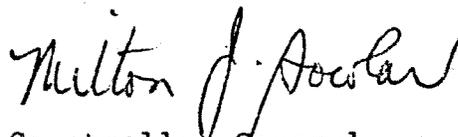
In our decision 16 Comp. Gen. 76~~X~~(1936), we held that the payment or reimbursement of the fees charged an individual for becoming a notary public could not be reimbursed from appropriated funds. This was based on the view that the Government would acquire no right or property by making such payment, the appointment and qualification being personal to the employee and for which he may derive personal benefit.

More recently we have held that certain fees that must be paid by Government employees to various states to obtain licenses required by their Federal employment may not be reimbursed to the individual in the absence of legislation authorizing such payment. See B-193862~~X~~ April 30, 1979 and B-186512~~X~~ January 17, 1977.

In 1955, legislation now codified in 5 U.S.C. 5945~~X~~ authorized an allowance payment to civilian employees of the Government as reimbursement for fees paid by them incident to becoming notaries public. However, that provision specifically limits the payment of the allowance to civilian employees of the Government, and no provision is made therein for the payment of the allowance to members of the armed forces.

While it is unfortunate that Sergeant Ruiz incurred the expense of becoming a notary public pursuant to the orders of his superior officer, no authority exists for the reimbursement of the expenses incurred.

Accordingly, payment from appropriated funds may not be made and the voucher submitted with the question will be retained in this Office.



Acting Comptroller General
of the United States

~~2~~ APPROPRIATIONS

Availability

Notary commissions

Military personnel

FEES

Notary Commission fee

Military personnel