

DECISION



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

10,799

FILE: B-194131

DATE: July 19, 1979

MATTER OF: National Arthritis Advisory Board - ^{Reimbursement of} Expenses
for attendants for arthritic child of a Board
member

DIGEST: Member of National Arthritis Advisory Board
who must hire an attendant to care for her
arthritic child when she attends official
activities of the Board may be reimbursed
the cost of such expenses by the Board. In
view of the statutory requirement that one
of the Board members be the parent of a
child who has arthritis such expense may
be considered essential to the Board carrying
out its advisory functions under 42 U.S.C.
§ 289c-7.

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Mr. William E. Plunkett, Executive Director of the National Arthritis Advisory Board (Board) asks whether the Board may reimburse one of its members for the expenses of an attendant for her arthritic child while she is attending official meetings and activities of the Board.

The Board was established under section 103 of the Arthritis, Diabetes, and Digestive Disease Amendments of 1976, Public Law 94-562, October 19, 1976, 90 Stat. 2646 (42 U.S.C. 289c-7 (1976)). The responsibilities of the Board include the review and evaluation of the implementation of the Arthritis Plan formulated under section 3(g) of the National Arthritis Act of 1974, Public Law 93-640, January 4, 1975, 88 Stat. 2219. In addition, the Board makes recommendations to Congress, the Secretary of Health, Education, and Welfare, and the heads of other appropriate Federal agencies with respect to the Arthritis Plan and the guidelines, policies, and procedures of Federal programs relating to arthritis.

Subsection 289c-7(a)(4) of title 42, United States Code, provides that four members of the general public shall be appointed to the Board one of whom shall be the parent of a child who has arthritis. Mr. Plunkett advises that this Board member is the parent of a child with Juvenile Rheumatoid Arthritis. The condition of the child requires that someone be in attendance at all times.

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One parent cannot meet this requirement. Thus, when the member is in attendance at activities and meetings of the Board she has been incurring the expenses of a qualified attendant for her child. We have been asked whether the Board may reimburse the member for such expenses.

We have held that the fact that an employee or his family would not have had an occasion to incur the expense of a sitter for his child at his permanent duty station but for the performance of official travel is not a sufficient basis for shifting the expenses to the Government. See: B-162466, September 27, 1967. However, the attendant's services under consideration here are distinguishable as they relate to the special needs of an arthritic child where the law expressly requires that the individual performing the official travel be the parent of a child who has arthritis.

In decision B-189010, August 15, 1977, we held that the Architectural and Transportation Barriers Compliance Board could pay the expenses of hiring an attendant for a handicapped member of the National Advisory Committee on an Accessible Environment incident to his attending periodic official meetings. We determined that such expenses were essential to accomplish the advisory functions of the Committee under its statutory authority, 29 U.S.C. § 792(a) (1976), in view of the statutory requirement that a majority of the Committee members be handicapped.

As noted above, the Congress has charged the Board with the responsibility of advising the Congress and Federal agencies regarding the implementation of the Arthritis Plan and Federal programs relating to arthritis. In requiring that one of the Board members have an arthritic child the Congress has determined that the advice of such an individual is necessary to enable the Board to properly carry out its responsibilities. In light of this legislative mandate and since the Board member must hire an attendant for her arthritic child in order to be able to attend Board meetings and other official functions, the expense involved may properly be viewed as necessary in carrying out the Board's advisory functions under 42 U.S.C. 289c-7. Accordingly, the Board may pay the costs of an attendant for the member's arthritic child when she is absent from her residence

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incident to her attendance at official Board activities. Such expenses may not exceed the customary costs the Board member incurs for such services when she is away from her child.

R. F. Kellon.
Deputy Comptroller General
of the United States