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**DECISION**



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

FILE: B-196030

DATE: December 11, 1979

MATTER OF: Thomas D. Voglesonger

*RECLAIM FOR*

DIGEST: Agency reduced employee's reimbursement for meal expenses on basis that costs for first 10-day period exceeded average cost in valid statistical reference. As agency action is not clearly erroneous, arbitrary, or capricious, we will not substitute our judgment for that of agency. See Jesse A. Burks, 55 Comp. Gen. 1107 (1976); amplified in 56 Comp. Gen. 604 (1977).

Should we approve for payment a reclaim voucher of \$96.10 for an employee's meal expenses incurred while occupying temporary quarters incident to a change of permanent station? The voucher represents the amount deducted because the meal expenses exceeded the standard used by the agency. Since the record does not show that the agency's reduction was clearly erroneous, arbitrary, or capricious, we will not approve payment.

The question was presented by Claude F. Pickelsimer, Jr., Director, Financial Management Office, Department of Health, Education, and Welfare (HEW) and concerns the voucher of Thomas D. Voglesonger, an HEW employee. *2* *D.3478*

Mr. Voglesonger was transferred from Kansas City, Missouri, to Jackson, Mississippi. For a 30-day period during April and May 1979, the employee, his wife, and two children (ages 1 and 4) were authorized temporary lodging and subsistence incident to this transfer. When Mr. Voglesonger sought reimbursement of his expenses for the 30-day period, the agency disallowed \$96.10 of his meal expenses for the first 10-day period as excessive. The agency made its determination on the basis that the employee and his family had exceeded the average meal expenses in the "Runzheimer Meal-Lodging Cost Index (Runzheimer Index)" for Jackson, Mississippi, January 1979. *ID*

The reimbursement to employees of the expenses of subsistence while occupying temporary quarters is governed by the provisions of chapter 2, part 5 of the Federal Travel Regulations (FTR)

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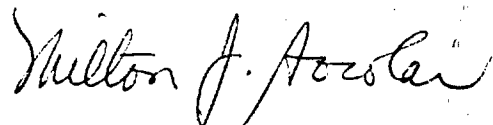
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FPMR 101-7 (May 1973). These regulations authorize reimbursement only for the actual subsistence expenses incurred provided they are incidental to the occupancy of temporary quarters and are reasonable as to amount. FTR para. 2-5.4a. It is the responsibility of the employing agency, in the first instance, to determine that such expenses are reasonable in light of the circumstances of each individual case. Jesse A. Burks, 55 Comp. Gen. 1107, 1110 (1976). Our Office will not substitute our judgment for that of the agency in the absence of evidence that the agency's action was clearly erroneous, arbitrary or capricious. Jesse A. Burks, supra, and Carl E. Williams, B-187419, June 1, 1977.

We have evaluated an agency's action in reducing reimbursement of subsistence expenses for groceries by examining statistics prepared by the Department of Labor for various locales. See Jesse A. Burks, supra, amplified in 56 Comp. Gen. 604 (1977); and Jack S. Sanders, B-188289, November 14, 1977. Here HEW's use of the Runzheimer Index for meal expenses, a valid statistical reference, is an appropriate method for the agency to measure the level of reimbursement for the employee's meal expenses. Thus, as the record does not show that the agency action was clearly erroneous, arbitrary, or capricious, we shall not substitute our judgment for that of the agency.

Accordingly the voucher may not be certified for payment.



For the Comptroller General  
of the United States