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DECISION



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

FILE: B-200650

DATE: August 12, 1981

MATTER OF: J.D. MacWilliams - Meals at Headquarters
Incident to Attendance at Meeting

DIGEST: Employee of Forest Service who attended several working lunches and dinners as a member of a General Management Review Team at his official duty station may not be reimbursed for these meals even though the team leader felt it was necessary to have all team members present to carry on the business at hand since in the absence of specific statutory authority allowing reimbursement, the Government may not pay for meals of civilian employees at their headquarters.

This action is in response to a request for an advance decision by H. Larry Jordan, Authorized Certifying Officer, National Finance Center, Department of Agriculture, as to the allowability for payment of the cost of expenses incurred for meals by Mr. J. D. MacWilliams, an employee of the Forest Service, at several working lunches and dinners held at the employee's official duty station.

The facts and circumstances, briefly stated, are as follows. Mr. MacWilliams was a member of a General Management Review Team working on the Klamath National Forest. The team had several working lunches and dinners wherein the findings of the day were discussed, and the team leader felt it was necessary to have all team members present to carry on the business at hand. The working meals were held at Yreka, California, the employee's official duty station.

We are not aware of any authorizing legislation or appropriation act which would allow meals to be furnished at Government expense to the employee under the facts as reported. The certifying officer points out that in our decision Gerald Goldberg, B-198471, May 1, 1980, we held that meals could be furnished at Government expense under somewhat similar circumstances. That case, however, involved meals furnished to employees who were attending the annual meeting of the President's Committee on Employment of the Handicapped, where the employees were not free to partake of their meals elsewhere without being absent from essential formal discussions, lectures

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or speeches concerning the purpose of the conference. In that case the meals were a necessary incident to the conference and attendance of the employees at the meals was necessary to their full participation in the business of the conference. Evidently the meeting in the present case consisted of working sessions which the employee was free to attend without partaking of the meals and was free to arrange his meals at times of his choice either before or after the working sessions, if he so desired, without missing essential formal business. This is in contrast to the circumstances which faced the employees in Goldberg supra.

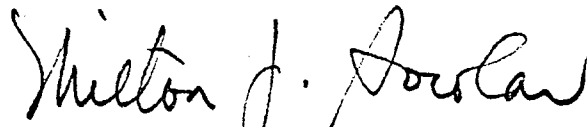
The general rule is that an employee may not be paid a per diem allowance at his permanent duty station or at his place of abode from which he commutes daily to his duty station. Paragraph 1-7.6a, Federal Travel Regulations (FPMR 101-7, May 1973); 42 Comp. Gen. 149 (1962). In this connection we have held that the subsistence expenses of civilian employees at their official duty stations are personal to the employees and, in the absence of specific authority, may not be provided at Government expense regardless of any unusual working conditions involved. 53 Comp. Gen. 457 (1974); B-202104, July 2, 1981. However, we are not aware of any law which would allow meals to be furnished at Government expense to the Forest Service employee under the facts as reported in the submission. Moreover, based on the facts submitted, we are aware of no conditions which would justify such reimbursement.

The certifying officer also requests guidance in addressing a recurring analogous situation facing Forest Supervisors. Forest Supervisors, especially in small towns, are reported to be an integral part of the community due to the fact that the Forest Service is the largest landowner. It is also reported that due to the nature of their positions, the supervisors are often called upon to attend both formal and informal meetings at their official stations where meals are a part of the meeting. The question presented is whether Forest Supervisors may be reimbursed for meals under these circumstances. Without knowledge of the specific circumstances for each such meeting alluded to by the

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certifying officer we cannot provide definitive guidance. See 53 Comp. Gen. 71 (1973). We believe, however, that the above discussion is equally applicable to this second question raised, and that the general rule prohibiting reimbursement would apply.

Accordingly, there is no basis for Government reimbursement for meals of Forest Service employees who take part in review team conferences at their headquarters.

A handwritten signature in cursive script that reads "Milton J. Jordan".

Acting Comptroller General
of the United States