

DOCUMENT RESUME

08014 - [C3348425]

[Claim for Subsistence Expenses at Official Duty Station].
B-192027. November 28, 1978. 2 pp.

Decision re: Francis J. Dooley; by Robert F. Keller, Deputy
Comptroller General.

Contact: Office of the General Counsel; Personnel Law Matters I.
Organization Concerned: National Mediation Board.
Authority: B-186090 (1976). B-185885 (1976). B-169163 (1970).
B-169235 (1970).

An employee claimed reimbursement for subsistence expenses incurred at his official duty station during assignment to mediation sessions which lasted nearly 4 days. There is no statutory authority which entitled the employee to reimbursement for expenses at his official duty station regardless of the unusual working conditions. (HTW)

8725 M. Volpe
Part I

DECISION



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

FILE: B-192027

DATE: NOV 28 1978

MATTER OF: Francis J. Dooley -- Claim for subsistence expenses at official duty station

DIGEST: Employee, who was assigned to mediate dispute between airline and union, claims subsistence expenses incurred at official duty station during marathon mediation sessions which lasted nearly 4 days. Absent specific statutory authority, employee is not entitled to subsistence or per diem at official duty station regardless of any unusual working conditions.

This is in response to the request from Mary Catherine Pricci, an authorized certifying officer of the National Mediation Board, for a decision regarding the claim of Mr. Francis J. Dooley for reimbursement for subsistence expenses in the amount of \$150 incurred while Mr. Dooley performed his duties as Head Mediator at his official duty station.

The administrative report states that Mr. Dooley is employed by the National Mediation Board as Head Mediator and that since the Board has no field offices, Mr. Dooley's residence in Garden City, New York, serves as his place of business. The report states further that Mr. Dooley's official duty station for per diem purposes is New York City and that he is authorized per diem when he performs duties 50 miles or more from his residence. Mr. Dooley's claim arose from his assignment to mediate a public interest dispute between an airline and a union. The parties had established a "negotiation scene" at the New York Sheraton Hotel in New York City and entered into marathon mediation from 2 p.m., April 26 to 11 a.m., April 29, 1978, during which time a mediator is required to be available 24 hours a day. As a result of this schedule Mr. Dooley obtained lodging in the New York Sheraton Hotel for 3 nights, April 26 through April 28, 1978, and he claimed lodging and subsistence expenses at the rate of \$50 per day. The National Mediation Board disallowed Mr. Dooley's claim for subsistence expenses since his official duty station is designated as New York City.

Our Office has consistently held that absent specific statutory authority, an employee may not be paid per diem or actual subsistence at his headquarters or official duty station regardless of any unusual working conditions involved. See Thomas R. Smith, B-196090, and Richard Washington, B-185885, November 8, 1976, and decisions cited therein. Such expenses may not be paid by a Government agency

B-192027

in the absence of specific statutory authority. See B-169163, September 11, 1970; and B-169235, April 6, 1970.

Accordingly, the voucher may not be certified for payment.

R.F.KELLER

Deputy Comptroller General
of the United States