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DECISION



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

FILE: B-194641

Request for?

DATE: February 19, 1980

MATTER OF: Eugene M. Sestile - Reimbursement of Subsistence Expenses

DIGEST:

Employee claims reimbursement for meals consumed in travel status that duplicate meals on airplane flights. General rule is that duplicative meals may not be reimbursed in absence of justifiable reason as to why extra meals were necessary. Employee's argument that airplane dinner was not full course meal to which he was accustomed does not constitute justifiable reason permitting reimbursement of that meal. Also, employee's contention that inflight breakfast would not have been served until 10 a.m., is rebutted by airline's statement that breakfast on that flight is normally served around 9 a.m.

Mr. John W. Rice, Jr., an authorized certifying officer of the National Aeronautics and Space Administration (NASA), requests our decision concerning the propriety of reimbursing two meals purchased by an employee incident to temporary duty travel to Vandenberg Air Force Base, California. The agency denied reimbursement since the employee was provided duplicative meals by the airline.

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The employee, Mr. Eugene M. Sestile, was ordered to perform temporary duty to attend a meeting at Vandenberg AFB and to inspect equipment at Palmdale, California, November 14 through 17, 1978. Incident to that assignment, he claimed reimbursement for dinner in the amount of \$10 on the night of his arrival in California and for breakfast in the amount of \$3 on the morning of his return flight to his permanent duty station in Florida. Reimbursement for these two items was not allowed by NASA on the basis that he was provided dinner on Delta flight 1125 from Orlando, Florida, to Los Angeles, California, and that breakfast was provided on Delta flight 1128 to Orlando.

The agency cited as authority for the disallowance a decision of this Office, Bennie L. Pierce, B-185826, May 28, 1976, to the

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effect that reimbursement of meals which duplicate those provided for in the course of flight is prohibited in the absence of a justifiable reason as to why the extra meals were required.

Mr. Sestile provided the agency with the following reasons in justification for the meals:

"The meal served on the plane was not a full course dinner to which I am accustomed. Also in consideration of the time difference I feel that the dinner was a reasonable expense.

"I realized that the plane was not leaving until 8:00AM. Any meal on the plane would be at least two hours later. I believe a 6:00AM breakfast was a reasonable expense."

In Pierce we held that:

"When meals are included in the price of an airline ticket and in fact are provided during the course of a flight, it is not proper to allow reimbursement for duplicate meals purchased after the traveler leaves the plane, in the absence of justifiable reasons why the traveler did not partake of the meals served on the flight or, if he did so, why extra meals were required."

In that case, the employee claimed reimbursement for lunch even though he had been furnished lunch on the flight. The meal for which reimbursement was claimed was characterized as a snack and apparently was intended to supplement the airline's meal. The employee attempted to justify the meal on the basis that he did not have time to eat breakfast before departing for the airport. That was held to be insufficient to establish a justifiable reason for the duplicative meal and reimbursement was denied.

Similarly, in Jesse A. Atkins, B-193504, August 9, 1979, we stated that:

"The contentions presented in this claim that the meals on the flights to Los Angeles were not of the quality and quantity to which the traveler was accustomed at home is a matter of personal preference, not of necessity. This reasoning, alone, is not a 'justifiable reason' * * * and would lead to the result that every Government employee traveling by

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air would be free to eat or reject the meal provided in flight, or to eat that meal and purchase an additional meal, based upon his personal preference or the size of his appetite."

Under the Atkins decision, Mr. Sestile's argument that the airline dinner was not a full-course meal to which he was accustomed cannot establish a "justifiable reason" for the duplicative meal.

Likewise, his argument regarding the time difference, or "jet lag" is not sufficient to justify the duplicative meal in view of our holding in Thomas P. Woll, B-186820, February 23, 1978, to the effect that adjusting to time differences on a cross-country flight does not constitute a justifiable reason. Accordingly, the claim in the amount of \$10 representing the cost of dinner may not be allowed.

Regarding the \$3 claim for breakfast, we are of the opinion that Mr. Sestile has failed to establish a justifiable reason for the necessity of that meal. Mr. Sestile does not state the exact reason for the extra breakfast. However, it appears that he preferred to eat breakfast early, at 6:00 a.m., rather than at some time after 8:00 a.m. on the airplane. Further, he implies that the airline would not serve breakfast before 10 a.m.

We have been advised by a representative of Delta Air Lines that breakfast on flight 1128 is normally served about 9 a.m. We do not believe that an employee's personal preference to eat an early breakfast constitutes a justifiable reason to refuse an airline breakfast served at 9:00 a.m. Mr. Sestile has not provided any other justification for the necessity of the early meal, such as was found in James H. Morrill, B-192246, January 8, 1979. In that case we allowed reimbursement for a duplicative dinner meal where the employee refused an airline meal served a few hours after he had eaten a late lunch due to official duties. Accordingly, the \$3 claimed for reimbursement of breakfast may not be paid.

In view of the above the reclaim voucher of Mr. Sestile may not be certified for payment.



Deputy Comptroller General
of the United States