

DECISION

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

Decision
29515

FILE: B-215222**DATE:** October 11, 1984**MATTER OF:** Tuxedo Rental**DIGEST:**

Employee of the Department of Health and Human Services claims reimbursement for the cost of renting a tuxedo for the purpose of accompanying the Secretary of the Department to a function where formal attire was required. The claim may not be allowed since ordinarily payment by employees for formal attire is considered a personal expense. The instant case does not present any special circumstances that warrant a departure from this general rule.

The question presented by the Department of Health and Human Services is whether an employee who accompanied the Secretary to a function where formal attire was required may be reimbursed for the cost of renting a tuxedo.^{1/} For the reasons stated hereafter, the employee may not be reimbursed the cost of the tuxedo rental.

The Department advises that an employee has submitted a claim in the amount of \$32 for the rental of a tuxedo. The employee recently accompanied the Secretary to a function in the Washington, D.C. area where formal attire was required. The individual's duties include accompanying the Secretary to functions which the Secretary attends in her official capacity. We have been advised informally that he performs a variety of duties which include driving the Secretary to functions and escorting her through crowds. Apparently, this employee is viewed by Department officials as performing a "quasi-security" function. However, primary responsibility for the Secretary's security is assigned to other employees.

^{1/} This request for an advance decision of the Comptroller General was submitted by the Senior Advisor to the Secretary/Executive Officer, Department of Health and Human Services.

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The agency asks whether our holding in 35 Comp. Gen. 361 (1955) would be applicable to the present claim. That decision involved an official of a Government agency who, while in a travel status, was invited to a function related to official business for which a dinner jacket was considered proper attire. We held that the employee's claim for the cost of renting the dinner jacket should not be allowed. The decision pointed out that appropriations generally are not available to pay for personal clothing "reasonably required as part of the usual and necessary equipment for the [employee's] work * * *." Id. at 361. The decision concluded that a person occupying the official position there involved could be expected from time to time to receive official dinner invitations for which formal dress was appropriate. See also 45 Comp. Gen. 272 (1965).

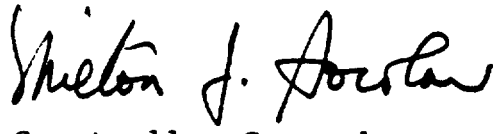
Thus, the cost of formal attire ordinarily is not reimbursable even when formal attire is necessary to be dressed in a socially acceptable manner at an event the employee attends as part of his official duties. However, in some cases where the use of formal attire was necessary for the proper performance of the employee's duties beyond merely being attired in a socially acceptable manner, we have authorized reimbursement. See 48 Comp. Gen. 48 (1968), where we held that Secret Service agents could be reimbursed for the cost of formal attire necessary for security purposes to make them less readily identifiable as Secret Service agents. Also, see B-164811, July 28, 1969, which held that Justice Department attorneys who were required to wear formal cutaway coats and striped trousers when appearing before the United States Supreme Court were entitled to be reimbursed such rental costs. It was noted that individual attorneys are required to appear before the Supreme Court only occasionally and that it would be unreasonable to expect them to purchase such formal attire.

In the present case the agency has indicated that the employee involved frequently accompanies the Secretary to various functions; it is expected that from time to time his attendance will require formal attire. Under these circumstances it is reasonable to expect the employee to provide formal attire when needed in escorting the Secretary to these functions. Moreover, there is no showing here that the employee's use of formal attire at these functions is necessary for reasons beyond presenting a socially

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acceptable appearance. We do not regard the quasi-security role performed by the employee as sufficient to invoke the exception for Secret Service agents set forth in 48 Comp. Gen. 48, supra.

Since the tuxedo rental was for the purpose of being attired in a socially acceptable manner, it does not fit the exception to the ordinary rule against reimbursement made in our prior decisions discussed above. Accordingly, there is no basis to allow payment to the employee for the cost of the tuxedo rental.

for 
Comptroller General
of the United States