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**DECISION**



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

**FILE:** B-202400

**DATE:** September 29, 1981

**MATTER OF:** Henry C. DeSeguirant--Reimbursement for Luncheon

**DIGEST:** A senior official of Treasury seeks reimbursement for cost of annual luncheon sponsored by OPM for the Federal Labor Relations community. Although the luncheon included a labor relations speaker, it was not a meal incident to a meeting for which reimbursement may be allowed. The general rule against reimbursement for meals at an employee's official duty station applies.

A decision has been requested as to whether the Department of the Treasury may legally reimburse its Director of Personnel, Mr. Henry C. DeSeguirant, for attendance at a luncheon sponsored by the Office of Personnel Management (OPM) for senior officials of the Federal Labor Relations and personnel community. Under the general rule that the Government will not pay for meals of employees who are not traveling on official business, payment of the claim must be denied.

The luncheon which Mr. DeSeguirant attended was held on June 3, 1980, and featured a speaker on labor-management relations from the Department of Education. Apparently there were no other activities connected with this meeting either before or after the luncheon.

We note initially that under the provisions of 31 U.S.C. § 1031, Treasury Department appropriations are available:

"\* \* \* for expenses of attendance at meetings or organizations concerned with the function or activity for which the applicable appropriation is made."

Similar general authority for Government employees to attend meetings concerned with the activities of the employing agency is contained in 5 U.S.C. § 4110.

As a general rule, an employee may not be paid a per diem allowance in lieu of subsistence at his permanent duty

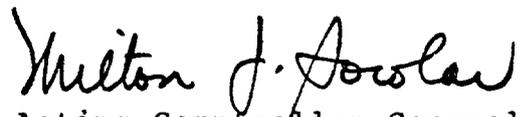
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B-202400

station. Paragraph 1-7.6a, Federal Travel Regulations (FPMR 101-7, May 1973). Accordingly, we have consistently held that in the absence of specific statutory authority, the Government may not pay subsistence expenses or furnish free meals to civilian employees at their official duty station, regardless of any unusual working conditions. 42 Comp. Gen. 149, 151 (1962); 53 id. 457, 459 (1974). However, under authority of 5 U.S.C. § 4110 we have allowed reimbursement of a registration fee incident to attendance at a conference at an employee's headquarters where meals were furnished at no additional charge. 38 Comp. Gen. 134 (1958). In cases where a meal is not part of a registration fee, we have allowed reimbursement for its cost if the meal was incidental to the meeting and attendance at the meal was necessary for full participation in the meeting. For example, in Gerald Goldberg, et al., B-198471, May 1, 1980, and B-166560, February 3, 1970, reimbursement was authorized on the basis that the meals were required incident to attendance at an annual meeting and that attendance was essential to the full participation in the meeting because the discussions or lectures at the lunch were integral to the annual meeting as a whole.

Attendance at the luncheon here, sponsored by a Federal agency, with a guest speaker, is readily distinguishable from the above-cited cases. Here, the agency, in effect, held the luncheon programs as an incident to its day-to-day operations. Absent specific legislative authority, such as required attendance at meals held incident to training sessions under 5 U.S.C. § 4109, our Office views meal costs of employees attending a "luncheon meeting" at headquarters as an expense that is to be borne by the employee.

Accordingly, Mr. DeSeguirant may not be reimbursed for annual OPM luncheons at his official duty station.

  
Acting Comptroller General  
of the United States