

DECISION



24176
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-208082

DATE: February 1, 1983

MATTER OF: Shawn H. Steinke

DIGEST:

1. An employee on temporary duty obtained a meal at the airport prior to his return flight. Although a traveler is ordinarily expected to eat dinner at his residence on evening of return from temporary duty, the determination of whether an employee should be reimbursed is for the agency. In determining whether it would be unreasonable to expect an employee to eat at home rather than en route, factors such as elapsed time between meals and absence of in-flight meal service may be considered.
2. Claims amounting to less than \$25 should normally be handled by certifying and disbursing officers under procedures authorized in letter of July 14, 1976, and need not be submitted to the Comptroller General for decision.

By letter of June 24, 1982, an authorized certifying officer with the Department of Energy requested an advance decision regarding Mr. Shawn H. Steinke's claim for \$13.40 for the cost of a meal obtained while returning from a temporary duty assignment. In addition, the certifying officer requests guidance concerning the types of situations in which it is appropriate to reimburse an employee for the cost of a meal obtained shortly after beginning or before completing temporary duty travel. The determination of whether an employee should be reimbursed for the cost of a meal obtained under these circumstances is to be made by the agency concerned. The General Accounting Office will not disturb an agency's determination unless it is clearly erroneous or arbitrary or capricious.

The record shows that Mr. Steinke returned to his duty station in Las Vegas, Nevada, from Los Alamos, New Mexico, on April 14, 1982. He left Los Alamos at 1:30 p.m. (Mountain Time) and traveled by car to Albuquerque,

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New Mexico. He ate dinner in Albuquerque before boarding a 6:15 flight to Las Vegas. There was no meal served on the flight. He arrived at his residence at 7:30 (8:30 Mountain Time).

Mr. Steinke's claim for dinner was previously disallowed by the certifying officer on the basis of our holding in Matter of Simmons, B-189622, March 24, 1978. That decision involved an employee who purchased dinner at the airport between 7 and 7:45 p.m. after his return flight and immediately before departing for his residence. He claimed reimbursement for the cost of that meal notwithstanding the general rule that subsistence expenses incurred by the traveler at his permanent duty station, his residence, en route to or from a nearby airport, or at the airport may not be reimbursed. In holding that he could not be reimbursed, we noted that the employee's "election to have dinner at the airport rather than at home was a purely personal choice, dictated at least in part by his preference as to time of eating. Therefore* * * the cost of this dinner was a personal expense. * * *." In that case, the employee had been served an in-flight lunch within 5 hours of the time he would have arrived home had he not delayed his return to dine at the airport.

Unlike Simmons, the case before us now involves the purchase of a meal prior to the return flight. This case is similar to Matter of Stamnes, B-202985, March 4, 1982, where the employee also purchased a meal at the airport prior to his return flight. In these cases the primary consideration is the amount the employee's eating routine would have been interrupted had he taken his meal at home. As we noted in Stamnes, "the determination whether it would be unreasonable to expect the employee to eat dinner at home is a matter primarily for the agency concerned." In this particular case it is not clear that the official who approved Mr Steinke's travel voucher considered the reasonableness of his decision to eat dinner before boarding the flight in Albuquerque. While the matter is returned to the Department of Energy for determination by the appropriate official, it would not appear improper to reimburse an employee for a meal

en route to his duty station where the elapsed time between meals would otherwise have been more than 7-1/2 hours. Although we would not ordinarily consider it unreasonable to expect an employee to eat dinner following his return home from temporary duty at 7:30 p.m., we believe it is appropriate to consider time zone changes and elapsed time between meals in determining whether the employee acted prudently in purchasing an evening meal en route home from a temporary duty assignment.

With regard to the certifying officer's request for general guidance in determining whether an employee should be reimbursed for a meal obtained in similar circumstances we again point out that this determination is a matter primarily for the agency concerned. As suggested in Matter of Burrell, B-195940, December 26, 1979, an employee is ordinarily expected to eat breakfast or dinner at his residence on the morning of departure for temporary duty, or on the evening of his return. However the reasonableness of the employee's actions in doing otherwise depends on the particular facts of a given case. The considerations that would justify purchase of a dinner en route home are similar to those that might be found to warrant the purchase of a substitute meal when an employee is provided an in-flight meal incident to his return transportation. See e.g., Matter of Morrill, B-192246, January 8, 1979; c.f. Matter of Sestile, B-194641, February 19, 1980.

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Where the employing agency has made the initial reasonableness determination, this Office will overturn the agency's determination only where our review of the evidence results in a finding that the agency's determination was clearly erroneous, or arbitrary or capricious. Matter of Virgne, B-203857, December 15, 1981.

We have found that treatment of claims for minor amounts at the request of disbursing and certifying officers is an expensive and time consuming function which can appropriately be handled by the individual agency. Accordingly, on July 14, 1976, we issued a letter to the heads of departments and agencies, disbursing and certifying officers. That letter states as follows:

"Under existing law disbursing officers and certifying officers may apply for and obtain a decision by the Comptroller General of the United States upon any question involving a payment to be made by them or a payment on any voucher presented for certification. 31 U.S.C. 74, id. 82d.

"In order to obtain the protection afforded by the cited statutory provisions numerous questions involving minor amounts are presented for decision by the Comptroller General. The General Accounting Office and the agencies involved incur inordinate administrative costs in processing these requests for decision and the necessity for dealing with them serves to delay attention to questions involving more significant amounts and subjects.

"Therefore, in lieu of requesting a decision by the Comptroller General for items of \$25 or less, disbursing and certifying officers may hereafter rely upon written advice from an agency official designated by the head of each department or agency. A copy of the document containing such advice should be attached to the voucher and the propriety of any such payment will be considered conclusive on the General Accounting Office in its settlement of the accounts involved."

We recognize that this claim was originally denied by the certifying officer and that upon appeal from that action the claim was submitted for advance decision because of the uncertainty as to whether the facts presented a justifiable reason for allowance. However, we reemphasize our position that in cases involving an item of \$25 or less and, in order to avoid unnecessary requests for decisions in the future in such cases, the accounting officer should obtain a determination from the appropriate agency official in accordance with our letter of July 14, 1976. Such action normally should enable the accounting officer to settle the claim without a request for advance decision.

Milton J. Fowler
for Comptroller General
of the United States