

DECISION

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

27136

FILE: B-210479**DATE:** December 30, 1983

MATTER OF: Sandra L. Fergerson, Jeff M. Sirmon, and
Kenneth J. Johnson - Reimbursement for
Registration Fee and Luncheon - Combined
DIGEST: Federal Campaign

Three employees of the Forest Service seek reimbursement for registration fees which represented the cost of meals at luncheon meetings attended by them as Combined Federal Campaign workers and Loaned Executives authorized by 5 C.F.R. § 950.509(k). Reimbursement may not be allowed. Under provisions of 5 U.S.C. § 4110, to the extent that such expenses may be reimbursed from appropriated funds, such reimbursement is limited to situations involving functions and activities of the agency. The meetings here involved do not concern a function or activity of the Forest Service for which the claimants were employed or for which the agency appropriations were made. B-195045, February 8, 1980.

This decision is in response to a request from an Authorized Certifying Officer of the U.S. Department of Agriculture, Forest Service, concerning the entitlement of three of its employees to be reimbursed for registration fees and luncheon meal expenses incurred in connection with the 1982-83 Combined Federal Campaign (CFC). For reasons that follow, the three employees in question may not be reimbursed the cost of these luncheons.

Ms. Sandra L. Fergerson was detailed to the CFC as an executive under the Loaned Executive Program (5 C.F.R. § 950.509(k)). Under those regulations, Federal employees detailed as executives to the CFC are placed on administrative leave.

027530
123159

During the course of the campaign, the group to which Ms. Fergerson was assigned held luncheon meetings each Friday at various locations throughout the Portland, Oregon, area for the sole purpose of discussing CFC business. These luncheons were scheduled, attended and controlled by the CFC organization. Apparently, participation in these luncheon meetings was considered essential to achieving the overall management and administrative objectives of the CFC. In addition to these meetings, Federal employees detailed under the Loaned Executive Program, along with their counterparts from non-Federal organizations, participated in United Way Campaign "report luncheons" each Wednesday to determine the progress being made by the various CFC and other groups. These luncheon meetings are sponsored and administratively managed by the United Way Campaign staff. It is indicated that, while participation in these various luncheons was required on the part of all such executives, such requirement was imposed by the CFC and United Way organizations.

Also, two other Forest Service employees, Mr. Jeff M. Sirmon and Mr. Kenneth J. Johnson, attended the Federal Executive Board sponsored CFC kick-off luncheon in September 1982. In addition, Mr. Johnson and Ms. Fergerson attended the CFC Awards Luncheon in November 1982. In each instance, the employee paid a registration fee to attend the luncheon. The receipt given each contained the notation "Registration fee. Meal is incidental to the meeting and attendance is necessary for full participation." However, it is indicated that little or none of the charges related to any expenses associated with the meeting other than the cost of the meal.

Based on the foregoing, the following questions are asked:

"(1) What effect or bearing, if any, does the fact that a meeting is an 'administratively controllable event' and within the purview of an agency's discretion have on the legitimacy of a meeting as a function under which meals could be reimbursed?

"(2) Relatedly, does the fact that a meeting is sponsored by an external organization and thus beyond the administrative control of the agency have any bearing on the

incident to the day-to-day operations of the Campaign to which the employees have been assigned?"

The statutory provision governing these matters is contained in 5 U.S.C. § 4110 (1976), which provides that:

"Appropriations available to an agency for travel expenses are available for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of the functions or activities."

We start with the general rule that an employee may not be paid a per diem allowance or actual subsistence expenses at his permanent duty station as such expenses are considered personal to the employee. Paragraph 1-7.6a, Federal Travel Regulations, FPMR 101-7, (September 1981). We have consistently held that in the absence of specific statutory authority, the Government may not pay subsistence expenses or furnish free meals to employees at their official duty station even where unusual working conditions are involved. 53 Comp. Gen. 457 (1974); 42 Comp. Gen. 149 (1962); and J. D. MacWilliams, B-200650, August 12, 1981. Compare 53 Comp. Gen. 71 (1973).

Notwithstanding that limitation, we have held that under 5 U.S.C. § 4110, registration fees for attendance by employees at meetings held at their official duty station, where meals are included in the fee at no additional charge and represent an incidental part of the meeting are properly for payment. 38 Comp. Gen. 134 (1958); B-166560, February 3, 1970; and B-160579, April 26, 1978.

In cases where meals are not included in a registration fee for attendance at such a meeting, and a separate charge is made, we have held that in order to be reimbursed, three conditions must be met: (1) there must be a showing that the meal or meals were incidental to the meeting; (2) that the attendance by the employee at the meal was necessary to full participation in the meeting; and (3) that the employee was not free to partake of his meals elsewhere without having been absent from essential business of the meeting. Gerald Goldberg, et al., B-198471, May 1, 1980.

The underlying fact in all of these cases is that the events in question concern a function or activity for which the particular agency's appropriations are made or will contribute to those functions or activities.

Therefore, as we view the matter, reimbursement is not dependent on whether the meals in question are associated with an administratively controllable event by the employee's agency or the combined effort of many agencies. The focus is whether the expenses for which reimbursement is sought come within the appropriation parameters established under 5 U.S.C. § 4110 (1976).

In Gentry Brown, et al., B-195045, February 8, 1980, we were faced with essentially the same issue presented here. There, three employees of the Community Services Administration requested reimbursement for a CFC luncheon meeting held in 1978 by the Federal Executive Board of Greater Kansas City, Missouri. There also, the registration fee consisted primarily of the cost of the luncheon. We held that the fee in question could not be considered a registration fee for reimbursement purposes and that the CFC meeting did not concern a function or activity of the Community Services Administration for which the claimants were employed or the purpose for which an appropriation was made to the agency.

With regard to the claimed expenses of Jeff H. Sirmon, Kenneth J. Johnson and Sandra L. Fergerson, while it is evident from the facts that the luncheon meetings which they attended involved essential CFC and United Way business, such meetings did not relate to the function and purpose for which the Forest Service was established or the purpose for which their appropriation was made. Therefore, in view of the statutory language of 5 U.S.C. § 4110, the expenses claimed may not be allowed.

In connection with the foregoing, during our examination and consideration of these claims, we learned that in some cities, e.g., Washington, D.C., that CFC volunteers do not incur personal expenses such as are involved here. Apparently, local CFC organizations have decided that luncheon expenses at such meetings would be borne by the organization.

for *Harry R. Van Cleave*
Comptroller General
of the United States