

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

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FILE: B-210717.2**DATE:** February 24, 1984**MATTER OF:** Defense Logistics Agency - Airline
Promotional Programs**DIGEST:**

The Defense Logistics Agency may not set up procedures under which promotional benefits that were received by an employee while on official travel on behalf of the Government may be returned to the employee. Pertinent regulations provide for the disposition of these promotional materials and do not provide for returning these benefits to the employee. Furthermore the employee who received these benefits did so on behalf of the Government and has no property right to these benefits.

The Director of the Defense Logistics Agency (DLA) has requested our decision concerning airline promotional benefits received as a result of travel by an employee on official duty. The issue in this case is whether DLA may establish procedures under which benefits which were received by the employee while on official travel on behalf of the Government may be returned to the employee for his personal use after the DLA determines that the Government is unable to use those benefits. We hold that the DLA may not set up such procedures since the promotional material is property of the Government and should be handled in accordance with pertinent regulations of the General Services Administration. See B-210717, dated today.

The DLA has established a policy which requires an employee to surrender benefits received as a result of official travel to the transportation offices. The agency states that this policy is based on our decision John B. Currier, 59 Comp. Gen. 95 (1979), in which we stated that the policy was necessary to avoid a conflict of interest and to prevent reimbursement to the employee from private service. The agency argues that they have adopted sufficient management controls to make the possibility of such abuses remote. Therefore, they propose to revise their system so that an employee who turns these benefits into the Government, may have the benefits returned to the

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employee by the transportation officer for personal use if the-agency official determines that they have no use for the benefits.

Based on applicable regulations and our decisions, we are unable to grant DLA's request to implement the policy described above. The General Services Administration (GSA) has recently promulgated regulations concerning promotional materials, trading stamps, or bonus goods. 41 C.F.R. Part 101-25, as amended, 48 Fed. Reg. 48,231, October 18, 1983. First, these regulations provide that promotional coupons that provide for future free or reduced costs of services should be integrated into the agency travel plans to maximize the benefit to the Government. 41 C.F.R. § 101-25.103-2(b). These regulations also provide that promotional materials that cannot be used by the receiving agency shall be disposed of in accordance with 41 C.F.R. § 101-25.103-4 which establishes procedures for transfer of the promotional materials. These regulations do not provide for a system in which the agency may return these materials to the employee who received them on behalf of the Government.

In a companion case, decided today, B-210717, we answered questions similar to those raised by DLA. In that decision, we discussed that the employee really has no property rights in materials received as a result of Government-paid travel. These bonuses have never legally belonged to the employee, and, therefore, if an agency gave the bonuses to an employee, they would be, in essence, illegally supplementing that employee's salary.

Therefore, based on our decisions and GSA regulations, DLA may not set up procedures for the return of bonus goods earned while on official travel on behalf of the Government to the employee who performed such travel.

Milton J. Fowler

Acting Comptroller General
of the United States