

DECISION



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

FILE: B-213970

DATE: April 4, 1984

MATTER OF: Ronald Erickson - Meal Expenses at
Official Duty Station

DIGEST:

1. National Park Service employee stationed at Voyageurs National Park incurred meal expenses while accompanying a tourism official of a foreign government on a tour through the park. Absent specific statutory authority, employee is not entitled to subsistence or per diem at official duty station regardless of any unusual working conditions.
2. National Park Service may designate a subdivision of a large park that is not within the corporate limits of a city or town as an employee's official duty station where the employee's duties are generally focused in the subdivision rather than the entire park. However, the official duty station of a Park Service employee working in a park within a city's or town's corporate limits is the city or town in which the park is located. Federal Travel Regulations, FPMR 101-7 (September 1981), para. 1-1.3c(1).

Mr. R. Neil Thorne, an authorized certifying officer for the National Park Service, Midwest Region (Park Service), has asked whether Mr. Ronald Erickson, a Park Service employee, may be reimbursed for evening meal expenses incurred within Mr. Erickson's official duty station area on a special assignment. We conclude that Mr. Erickson may not be reimbursed for these expenses.

FACTS

During 1983, the staff of Voyageurs National Park conducted an intensive promotional effort to make the Park

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more familiar to the public and to increase tourism. On the occasion for which reimbursement is requested, Mr. Erickson was required to accompany a tourism official of a foreign government, sponsored by USAID, while touring the park and surrounding areas. Mr. Erickson submitted a claim for \$14.00--the cost of his dinner. The superintendent of the park states that it is an established policy that when an employee is required to accompany an individual or group on a tour, which includes contact with the local resort community and eating a meal, "the employee's duties include the contact which takes place during meals."

The certifying officer in submitting this particular claim has also expressed his belief that perhaps the Park Service is unique in that "we frequently encounter situations where the park and/or duty station boundaries extend over 100 miles. An employee traveling from one end of the park to the other end on a special work assignment, or a back country assignment, must of necessity spend one or more nights away from home." Under such circumstances he believes an employee should be reimbursed for subsistence and lodging expenses at an intra-park per diem rate. However, he has been unable to find authority to do so and he requests our recommendations and ruling on this issue.

DISCUSSION

Our Office has consistently held that, absent specific statutory authority, an employee may not be paid per diem or actual subsistence at his headquarters or place of abode from which he commutes daily to his official duty station regardless of any unusual working conditions involved. See Federal Travel Regulations, FPMR 101-7 (September 1981) (FTR), para. 1-7.6a, and Thomas R. Smith, B-186090, November 8, 1976. Thus, the Government generally may not reimburse civilian employees for the cost of meals at their headquarters. Henry C. DeSquirant, B-202400, September 29, 1981; 42 Comp. Gen. 149 (1962).

One exception to the rule against Government payment for meals at headquarters is when it is determined that a meal is incidental to a conference or meeting that has been determined to be concerned with the functions of the agency; that attendance at the meal is necessary for participation in the meeting; and that employees are not free to take meals elsewhere without missing essential

formal discussions, lectures, or speeches concerning the purpose of the meeting. See Gerald Goldberg, B-198471, May 1, 1980, where we allowed meal expenses for employees attending the annual meeting of the President's Committee on Employment of the Handicapped.

It is clear that Mr. Erickson's meal does not fit within the narrow exception described above. His meal was incident to the day-to-day operations of the park and was not part of an authorized conference or association meeting. See Henry C. DeSequirant, cited above. See also Frank W. Kling, B-198882, March 25, 1981, where we disallowed the employee's costs for regular monthly luncheon meetings with officials of other agencies. Accordingly, Mr. Erickson is not entitled to reimbursement for the evening meal expenses claimed by him at his duty station.

We turn to the certifying officer's more general question about Park Service employees on special assignments who must spend one or more nights away from home when they travel from one end of a large park to the other end. The problem is the proscription against payment of per diem or subsistence for expenses incurred at the permanent duty station. See FTR para. 1-7.6a, cited previously.

Paragraph 1-1.3c(1) of the FTR defines official duty station:

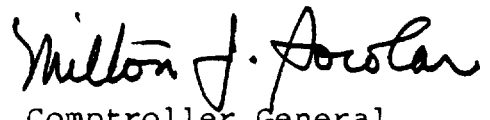
"Official station and post of duty.
Designated post of duty and official station mean the same. The limits of the official station will be the corporate limits of the city or town in which the officer or employee is stationed. If the employee is not stationed in an incorporated city or town, the official station is the reservation, station, or established area, or, in the case of large reservations, the established subdivision thereof having definite boundaries within which the designated post of duty is located."

We are not aware of any decision which specifically discusses parks in view of the above-quoted regulation. However, from the standpoint of this regulation, parks that are not within the corporate limits of a city or town

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are similar to reservations. Therefore, in the case of large parks where an employee's sphere of duties do not generally cover the entire park, the Park Service may officially designate a subdivision thereof with definite boundaries as being the employee's official duty station. Cf. 38 Comp. Gen. 656 (1959). In cases where the Park Service does not delineate a subdivision of a park with definite boundaries as being an employee's official duty station, the full park area in which a Park Service employee works will be considered his official duty station. In any case, if the park is located in an incorporated city or town, the limits of the official station will be the corporate limits of the city or town in which the officer or employee is stationed. See FTR para. 1-1.3c(1), quoted above.

The point raised by the Park Service certifying officer here is a valid one. However, where that duty is performed at the employee's official duty station both the statute, 5 U.S.C. § 5702, and the regulations, FTR para. 1-7.6a, prohibit reimbursement. Hence, the solution must come from legislative action. In this regard, see section 2 of H.R. 4233, 98th Cong., 1st Sess. (1983) which would amend 5 U.S.C. § 5702 to permit a per diem allowance for law enforcement employees at or away from the employee's designated post of duty under certain conditions.

for 
Comptroller General
of the United States