

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

29908

**FILE:** B-215736**DATE:** December 3, 1984**MATTER OF:** Lieutenant Jeffrey S. Bangma**DIGEST:**

A member of the Navy, authorized actual expenses while in a travel status, may be reimbursed for meals taken at normal meal times en route to and from the airport servicing his permanent duty station, where the airport is a considerable distance from his station and he is scheduled to travel on non-meal flights.

The question presented is whether a member who has been authorized actual subsistence expenses while in a travel status may be reimbursed for meals purchased en route to and from an airport servicing his permanent duty station when the airport is approximately 70 miles from the station.<sup>1/</sup> We hold that under circumstances such as those presented here, the member may be reimbursed.

Lieutenant Jeffrey S. Bangma was ordered to temporary additional duty in San Bruno, California, from his permanent duty station in Silverdale, Washington. He left his duty station at 10:30 a.m. on March 11, 1984, and drove to the Seattle/Tacoma Airport, approximately 70 miles away. There, he took a non-meal flight at 1:10 p.m. and arrived in San Bruno, California at 3 p.m. Upon completion of his duties, on March 13, 1984, he left San Bruno on a non-meal flight at 4:40 p.m. The flight arrived at the Seattle/Tacoma Airport at 6:15 p.m. He left the airport at 6:30 p.m. and arrived at his duty station at 9:30 p.m.

The meals in question were purchased en route to and from the Seattle/Tacoma Airport. The first meal was purchased by Lieutenant Bangma after he left his permanent duty station and was en route to the airport. Had he not purchased it when he did, he would have been required to have eaten lunch at 10 a.m., prior to his departure, or after his 3 p.m. arrival in San Bruno. The second meal was

<sup>1/</sup> This decision is in response to a request for an advance decision by Mr. L. E. Estabrook, Disbursing Officer, Department of the Navy, Personnel Support Activity, Puget Sound. The request was assigned PDTATAC Control No. 84-13, by the Per Diem, Travel and Transportation Allowance Committee.

030697

purchased after he arrived at the Seattle/Tacoma Airport, on the return trip. His non-meal flight left San Bruno at 4:40 p.m. and arrived in Seattle at 6:15 p.m. Due to the length of the drive, he did not arrive at his duty station until 9:30 p.m. Had the meal not been purchased after his arrival at the airport, he would have been required to have dinner either at 4 p.m. or 9:30 p.m.

The question was presented because of our decision, Roscoe L. Simmons, B-189622, March 24, 1978. In that case, we held that a civilian employee of the Government was not entitled to reimbursement of subsistence expenses for a meal taken at the airport located at his permanent duty station, since the election to take the meal at the airport rather than his home was a personal election and the cost was not a necessary expense of official travel.

Members of the uniformed services are entitled to travel and transportation allowances while they are in a travel status. 37 U.S.C. § 404. Travel status exists when members are away from their permanent duty stations performing government business pursuant to competent orders. Travel status begins at the time the member leaves his place of abode or other point of departure, and ends when he returns to his home, duty station or other point of arrival at the conclusion of travel. See, Volume 1, Joint Travel Regulations, paragraph M3050-1. The record indicates that Lieutenant Bangma was in travel status, under competent orders, when the meals were purchased. The meals also appear to have been purchased in a manner consistent with the regulations affecting the allowance to which Lieutenant Bangma was entitled, by virtue of his travel status.

The Simmons case is distinguishable, and inapplicable to the case before us, for several reasons. The rationale of the Simmons case is based upon the fact that neither a civilian employee nor a member of the uniformed services is entitled to a travel allowance at his or her permanent duty station, even if in a travel status. Thus, reimbursement for subsistence expenses at an airport located at or near the permanent duty station, is ordinarily not authorized.

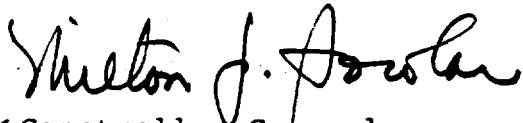
In Simmons, the airport was located near the employee's duty station and the employee's home. In addition, when

taking into consideration the change of time zones involved in the travel, the employee arrived at the airport and purchased the meal within a relatively short period after a noon meal was served on a lunch flight. We held that the purchase of such an evening meal was a purely personal choice.

The rule stated there was not intended to apply in a situation where a traveler must proceed for a considerable distance from his duty station, to the nearest airport which services the area, in order to perform his travel. In this case, Lieutenant Bangma was not at or near his permanent duty station, since the airport is located 70 miles from the duty station and he drove to it from his duty station.

The rule was not intended to require that an employee or member of the uniformed services take meals at unconventional or unreasonable hours. We have held that it is appropriate to consider time zone changes and elapsed time between meals in determining whether an employee acted prudently in purchasing meals when in a travel status. See Shawn H. Steinke, 62 Comp. Gen. 169 (1983). As pointed out by the Navy, if Lieutenant Bangma had not purchased his meals en route to and from the airport, he would have been required to take meals at irregular and unreasonable hours.

Accordingly, when a member is in travel status and is required to travel from his permanent duty station to a carrier terminal, which is located a considerable distance from the duty station, he may be reimbursed for meals purchased during normal meal hours, en route to or from the airport, if the flights do not serve meals which would enable him to take his meals at reasonable hours. Lieutenant Bangma may be reimbursed for both meals purchased en route to and from the Seattle/Tacoma Airport.

*for*   
Comptroller General  
of the United States