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DECISION



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

FILE: B-219217

DATE: January 21, 1986

MATTER OF: Fraudulent Travel Claim

DIGEST:

An Army officer performed temporary duty in high cost area for which subsistence reimbursement was authorized on an actual expense basis not to exceed \$75 per day. He admitted the amounts he claimed for meals were not accurate because he did not keep a record of his actual expenses for meals and he received an administrative reprimand in writing based upon a charge of submitting a false claim. Since his subsistence expense claim for each day is tainted by fraud, he may not be paid any subsistence expenses for the temporary duty performed.

A captain in the Army requests reconsideration of our Claims Group's January 25, 1985 disallowance of his claim for travel expenses incident to the performance of temporary duty. The claim must be disallowed since the travel voucher he submitted was fraudulent.

Background

The claimant was stationed at Fort Gordon, Georgia, when he was ordered under competent orders to perform temporary duty beginning June 24, 1984, for approximately 14 days in Boston, Massachusetts. He received a travel advance in the amount of \$1,359 to cover the expenses of his trip. Upon his return to Fort Gordon, he filed a voucher for expenses incurred during temporary duty covering the period June 24 through July 6, 1984. His claim was for 12 days subsistence predicated upon actual cost reimbursement of \$75 per day. Boston, Massachusetts, is located in a high cost area (Middlesex County) so the actual subsistence expenses were allowable with a daily maximum of \$75 for lodging, meals, and laundry expenses. Joint Travel Regulations, Vol. 1, para. M4000-1 and Appendix L. The claimant

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was allowed his claim for \$230.47 consisting of car rental \$187.42, gasoline \$26, turnpike tolls \$2.05, and taxi to the airport and from the airport \$15. This amount was deducted from his travel advance and he has been required to return the balance of that advance or \$1,128.53.

The finance officials suspected that the claimant's travel claim was false since he spent exactly the maximum authorized subsistence of \$75 per day for meals, lodging and cleaning. Therefore, they submitted the claim for investigation by the Fort Gordon Criminal Investigation Command. The claimant admitted to the investigator that his claimed subsistence costs on his voucher were not accurate. He stated that the amounts listed for meals were estimated but he produced a receipt for lodging costs claimed. The investigation revealed that he had claimed amounts for breakfast and lunch which exceeded the amounts actually spent.

As a result of the investigation, the claimant was reprimanded in writing by his commanding officer for making and submitting a false claim and action was initiated by the Fort Gordon Finance and Accounting Officer for collection of \$1,128.53, the amount of the unliquidated travel advance. The claimant subsequently filed a claim for reimbursement for his actual lodging costs and for a "reasonable amount" for meals. The matter was forwarded to our Claims Group, which denied the claim.

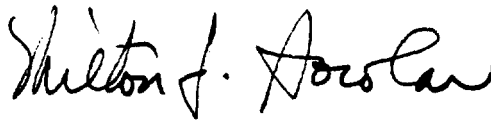
Analysis

When an employee or military member submits a voucher and part of the claim is based on fraud, those items which are based on fraud should be denied. With regard to subsistence expenses, the voucher may be separated according to individual day, with each day constituting a separate item of actual subsistence expenses. For those days for which fraudulent lodging or meal information is submitted, the entire claim for subsistence for that day must be denied. 59 Comp. Gen. 99 (1979); see also 61 Comp. Gen. 399 (1981).

The claimant has acknowledged that meal costs reported in support of his travel voucher do not accurately reflect the amounts he spent for meals and stated that he is unable to provide exact figures since he kept no records or

receipts. Thus, the subsistence expense claim for each day is tainted by the fraud, and no payment may be made for subsistence expenses.

Accordingly, the action of our Claims Group disallowing the claim is sustained. The claimant must refund the travel expense advance he received for the temporary duty in question to the extent it was not covered by allowed expenses not tainted by fraud.

for 
Comptroller General
of the United States