



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Department of the Navy - Fraudulent Travel
Voucher

File: B-230730

Date: November 23, 1988

DIGEST

Employee's claim for reimbursement for lodging expenses is denied where the agency has met its burden of proof that claims for subsistence expenses were tainted by fraud. The agency investigation clearly revealed fraudulent statements on a travel voucher, and the failure to prosecute criminally for fraud does not preclude administrative action on a voucher where fraudulent action is strongly indicated.

DECISION

An employee of the Department of the Navy has appealed our Claims Group's settlement which denied his claim for reimbursement of lodging expenses for a period of temporary duty.1/ For the reasons that follow, we affirm our Claims Group's determination.

BACKGROUND

The employee worked at the Puget Sound Naval Shipyard, Bremerton, Washington, when he was sent on temporary duty to the Portsmouth Naval Shipyard, New Hampshire, from April 17 to June 15, 1978. He submitted a travel voucher for the period and claimed lodging expenses of \$1,376.89 as part of his expenses for temporary duty. His total claim was in excess of \$2,000.

The Naval Investigative Service (NIS) investigated this employee and several other employees who also performed temporary duty at Portsmouth. The NIS determined that the employees had shared rooms at the Anchorage Motor Inn and had submitted inflated lodging receipts for reimbursement.

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1/ Z-2862799, February 16, 1988.

In 1981, the Navy found as a result of the NIS investigation that this employee was indebted to the United States for \$2,064.25, since a fraudulent claim for lodging taints the entire claim for per diem on days for which fraudulent information is submitted. 59 Comp. Gen. 99 (1979). Our Claims Group concurred in the Navy's determination and denied the employee's claim.

The employee says that he signed a travel reimbursement voucher which had not been filled out and that the voucher indicated that he stayed at the Meadowbrook Motor Inn during the entire period. The employee states further that the only receipts presented were for the Meadowbrook Motor Inn. Therefore, since there is no reference to the Anchorage Motor Inn or accompanying receipts, he alleges that there is no evidence that he submitted a fraudulent travel voucher. The employee also states that the United States Attorney's dismissal of the charges against him discredits the NIS investigation.

OPINION

We agree with the employee that the travel reimbursement voucher which he signed does not indicate that he stayed at the Anchorage Motor Inn. However, the amount shown as the actual cost of lodging on the voucher was \$1,376.89. The employee indicated in a sworn statement before an NIS investigator 18 months later that this amount was inflated by \$635.57 and that he knew at the time he submitted his travel voucher that the lodging receipts were not correct. This statement was corroborated by the employee who shared a room with the employee at the Anchorage Motor Inn.

Where an agency investigation clearly reveals that an employee included fraudulent statements in a travel voucher in order to obtain funds from the government, the agency has met its burden of proving that claims for subsistence expenses for those days are tainted by fraud. Mark J. Worst, B-223026, Nov. 3, 1987. It is clear from the investigative report submitted by NIS, which we have reviewed, that the employee purposely submitted a false statement to the agency concerning his lodging arrangements in Portsmouth. We have also consistently stated the view that the failure to prosecute criminally for fraud does not preclude administrative action on a voucher where fraudulent action is strongly indicated. 60 Comp. Gen. 357 (1981); B-219887, Jan. 21, 1986.

Accordingly, our Claims Group's settlement is sustained.

for *Milton J. Fowler*
Comptroller General
of the United States