



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: R. Alex Martinez - Reasonableness of Meal Expenses
File: B-231776
Date: July 13, 1989

DIGEST

A transferred employee occupied temporary quarters for 60 days and claimed meal costs at an average daily rate of \$35.05. The agency reduced the claim to \$10.39 per day based upon an analysis of the meal expenses claimed by other employees in that work area. The claim is returned to the agency for consideration of the reasonableness of the amounts claimed for meals based on valid statistical references from the Bureau of Labor Statistics or the Runzheimer Index.

DECISION

This decision is in response to a request by the Forest Service for a decision to determine the reasonableness of the average daily costs of meals incurred by an employee of the agency while occupying temporary quarters incident to a permanent change of official station.^{1/} For the reasons stated below, we are returning the claim to the Forest Service to determine the reasonableness of the claimed meal expenditures based on valid statistical references of costs at this location.

BACKGROUND

Mr. R. Alex Martinez, a Forest Service employee, was transferred to the Lake Wenatchee Ranger District, Wenatchee National Forest, in February 1986. He was authorized and occupied temporary quarters for a period of 60 days. Mr. Martinez submitted a voucher which listed his daily expenses for lodging, meals or groceries, laundry, and tips, and he claimed meal expenses of \$2,103.35 at an average

^{1/} The request was submitted by Mr. James Turner, Authorized Certifying Officer, Forest Service, United States Department of Agriculture.

daily cost of \$35.05. The Forest Service reduced the claim for meal costs to \$623.40, an average daily cost of \$10.39, based upon an analysis of the claimed meal expenses by other employees of the Wenatchee Ranger District while occupying temporary quarters during the prior two fiscal years.

At the time of his transfer, the temporary quarters rate for Forest Service employees was \$50 per day for the first 30 days of temporary quarters occupancy and \$37.50 per day for the second 60 days. The Forest Service says that it is not reasonable to reimburse an employee at the standard \$23 daily rate for meals since the agency would normally reduce the meal allowance to \$15 per day for employees on long-term details.

OPINION

Under 5 U.S.C. § 5724(a)(3) (1982), and the implementing regulations contained at chapter 2, part 5, of the Federal Travel Regulations (FTR), a transferred employee may be reimbursed subsistence expenses for a period of up to 60 days while occupying temporary quarters.^{2/} These regulations authorize reimbursement only for the actual subsistence expenses incurred provided they are incident to the occupancy of temporary quarters and are reasonable as to amount. FTR, para. 2-5.4a.

It is the responsibility of the employing agency, in the first instance, to determine that subsistence expenses are reasonable. Where the agency has exercised that responsibility, our Office will not substitute its judgment for that of the agency, in the absence of evidence that the agency's determination was clearly erroneous, arbitrary, or capricious. See Jesse A. Burks, 55 Comp. Gen. 1107 (1976); reconsidered and amplified, 56 Comp. Gen. 604 (1977). An evaluation of the reasonableness of the amounts claimed must be made on the basis of the facts in each case. Harvey P. Wiley, 65 Comp. Gen. 409 (1986); Marilyn L. Dean, B-234768, May 16, 1989.

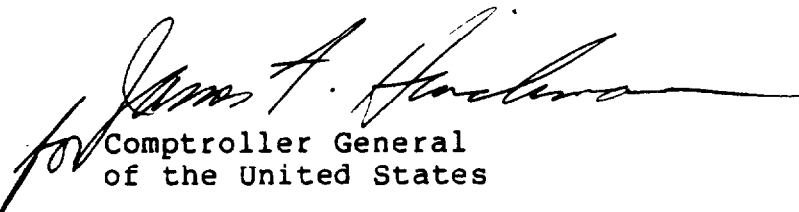
In our decisions we have accepted determinations by the agency to deny reimbursement for excessive costs for meals or groceries, and we have looked to valid statistical references such as figures from the Bureau of Labor Statistics or the Runzheimer Index as an appropriate measure for an agency to determine the reasonable cost of meals.

^{2/} FTR (Supp. 10, Nov. 14, 1983) incorp. by ref., 41 C.F.R. § 101-7.003 (1988).

Eric E. Stanholtz, 66 Comp. Gen. 512 (1987); F. Leroy Walser, B-211295, Mar. 26, 1984; Dennis L. Kemp, B-205638, July 30, 1982. The experiences of other employees under similar circumstances and any other unusual circumstances may also be relevant in the determination of the reasonableness of the amounts claimed. Stanholtz, supra.

In the present case, there is no evidence that the Forest Service utilized statistical references in determining the reasonableness of Mr. Martinez's meal expenses. In informal discussions with officials from the General Services Administration, we have learned that the range for daily meals costs at locations near Mr. Martinez's duty station (Yakima and Spokane, Washington) was approximately \$27-31, based on Runzheimer Index figures for January 1986. While these figures would not support the employee's claim of \$35 per day for meals, the figures similarly would not support the agency's determination to limit Mr. Martinez to slightly over \$10 per day for meals.

Accordingly, we are returning this claim to the Forest Service for a reexamination of the amounts claimed by Mr. Martinez in the light of available statistical references.


for Comptroller General
of the United States