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B-137999, Jul. 1, 1959

Number: B-137999

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B-137999, JUL. 1, 1959

TO THE AUTHORIZED CERTIFYING OFFICER, OUTDOOR RECREATION RESOURCES REVIEW COMMISSION:

THIS REFERS TO YOUR LETTER OF MAY 11, 1959, WITH ENCLOSURES, INCLUDING BUREAU VOUCHER NO. 30640 FOR $126.72 STATED IN FAVOR OF ELIZABETH POSTOSKIE, IMPREST FUND CASHIER, OUTDOOR RECREATION RESOURCES REVIEW COMMISSION, REQUESTING OUR DECISION AS TO WHETHER THE VOUCHER PROPERLY MAY BE CERTIFIED FOR PAYMENT.

THE SUM CLAIMED REPRESENTS THE AMOUNT REQUIRED TO REPLENISH FUNDS USED TO PURCHASE GROCERIES AND MISCELLANEOUS ITEMS DEEMED NECESSARY FOR SERVING CONFERENCE ROOM LUNCHES TO THE 15-MEMBER OUTDOOR RECREATION RESOURCES REVIEW COMMISSION. THE RECORD DISCLOSES THAT FOOD WAS PURCHASED AND LUNCHES SERVED TO COMMISSION MEMBERS ON FIVE SEPARATE OCCASIONS FROM JANUARY 20 THROUGH MARCH 23, 1959; THAT THESE IN MEETING LUNCHES HAD THE ADVANCE APPROVAL OF THE MEMBERS, AND THAT A SUBSTANTIAL SAVING ACCRUED TO THE GOVERNMENT AS A RESULT THEREOF.

YOUR DOUBT IN THE MATTER ARISES BECAUSE OF TWO ITEMS TOTALING $8.30 CLAIMED ON SUBVOUCHERS NOS. 39 AND 40, THE SUM OF $3 REPRESENTING THE PRICE PAID FOR FLOWERS PURCHASED ON DECEMBER 11, 1958, PRIOR TO THE PERIOD STIPULATED ABOVE, AND THE BALANCE THEREOF COVERING THE COST OF ONE CARTON (12-24 OZ. BOTTLES) OF MOUNTAIN VALLEY (MINERAL) WATER PURCHASED FOR COMMISSION MEMBERS ON FEBRUARY 20, 1959. YOU REFER TO OUR DECISION TO MR. R. ANDERSON, AUTHORIZED CERTIFYING OFFICER FOR THE COMMISSION, DATED DECEMBER 16, 1958, B-137999, WHICH HELD THAT THE COST OF LUNCHES FURNISHED TO COMMISSION MEMBERS FALLS WITHIN THE LANGUAGE OF SECTION 3 (B) OF THE OUTDOOR RECREATION RESOURCES REVIEW ACT APPROVED JUNE 28, 1958, 72 STAT. 238. THAT STATUTE PROVIDES THAT ,EACH MEMBER SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL TRAVEL AND SUBSISTENCE EXPENSE INCURRED IN THE SERVICES OF THE COMMISSION.'

THE SUM OF $3 EXPENDED FOR FLOWERS, OF COURSE, IS NOT A REIMBURSABLE EXPENSE. THIS PURCHASE WAS NOT FOR SUBSISTENCE; NOR IS IT POSSIBLE TO CONSTRUE SUCH A PURCHASE AS BEING INCURRED "IN THE SERVICES OF THE COMMISSION.' CONCERNING THE EXPENSE FOR DRINKING WATER, THE RULE GENERALLY APPLIED IN THE CASE OF THE PURCHASE OF DRINKING WATER BY AN OFFICER OR EMPLOYEE ENTITLED TO REIMBURSEMENT OF ACTUAL EXPENSES OF SUBSISTENCE IS THAT REIMBURSEMENT IS NOT AUTHORIZED UNLESS IT IS ESTABLISHED THAT THERE IS A REASONABLE NECESSITY THEREFOR FROM THE STANDPOINT OF THE OFFICER OR EMPLOYEE. IN THE ABSENCE OF ANY SUCH SHOWING WE CONCLUDE THAT THE PURCHASE OF DRINKING (MINERAL) WATER AS MADE HERE IS NOT A PROPER CHARGE AGAINST APPROPRIATED FUNDS. SEE 5 COMP. GEN. 90. CF. 28 ID. 627; 31 ID. 501. THEREFORE, UPON THE PRESENT RECORD, THAT PORTION OF THE VOUCHER INVOLVING EXPENSES ($8.30) INCURRED FOR FLOWERS AND MOUNTAIN VALLEY WATER MAY

NOT BE CERTIFIED FOR PAYMENT.