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B-154912, Aug. 26, 1964

Number: B-154912

Date: 1964-08-26

B-154912, AUG. 26, 1964

TO MR. M. L. COLLINS, AUTHORIZED CERTIFYING OFFICER, UNITED STATES DEPARTMENT OF AGRICULTURE:

YOUR LETTER OF JULY 24, 1964, ENCLOSES A VOUCHER FOR $7.50 COVERING MEALS OBTAINED BY MR. EARL E. FENTON INCIDENT TO HIS ATTENDANCE AS AN EMPLOYEE OF THE SOIL CONSERVATION SERVICE AT A MEETING OF THE MICHIGAN ASSOCIATION OF SOIL CONSERVATION DISTRICTS, INC., AT MICHIGAN STATE UNIVERSITY IN FEBRUARY 1964. YOU ASK, IN THE LIGHT OF THE FACTS RELATED IN YOUR LETTER, WHETHER THE VOUCHER MAY BE CERTIFIED FOR PAYMENT.

THE MEETING WAS HELD AT LANSING, MICHIGAN, MR. FENTON'S OFFICIAL STATION AND THE COST OF ATTENDANCE AT THE CONFERENCE AS EVIDENCED BY THE RECEIPT ISSUED BY MICHIGAN STATE UNIVERSITY WAS $12.50, COMPRISED OF A $5 REGISTRATION FEE AND A CHARGE OF $7.50 FOR 2 LUNCHEONS AND A DINNER. AN EMPLOYEE OF THE SOIL CONSERVATION SERVICE MR. FENTON WAS NOT REQUIRED TO PAY THE REGISTRATION FEE.

IT HAS BEEN HELD THAT WHERE THE MEALS ARE NOT INCLUDED IN A REGISTRATION FEE, AS IN THE INSTANT CASE, THE CONCLUSION IS WARRANTED THAT THE COST THEREOF MAY BE REIMBURSED ONLY IF THERE IS A SHOWING THAT MEALS WERE INCIDENTAL TO THE MEETING; THAT THE ATTENDANCE OF THE EMPLOYEE AT THE LUNCHEONS AND DINNER, IN SUCH INSTANCE, WAS NECESSARY TO HIS FULL PARTICIPATION IN THE BUSINESS OF THE CONFERENCE AND THAT HE WAS NOT FREE TO PARTAKE OF HIS MEALS ELSEWHERE WITHOUT HAVING BEEN ABSENT FROM ESSENTIAL FORMAL DISCUSSIONS, LECTURES OR SPEECHES CONCERNING THE PURPOSE OF THE CONFERENCE. SEE B-95413, JUNE 7, 1950, A COPY OF WHICH IS ENCLOSED. ALSO, SEE 42 COMP. GEN. 549. IN OUR DECISION OF AUGUST 20, 1958, B-136427 (38 COMP. GEN. 134), CITED IN YOUR LETTER, THE COST OF THE MEAL WAS NOT SEVERABLE FROM THE REGISTRATION FEE AND THEREFORE THE LATTER CHARGE WAS FOUND TO BE ALLOWABLE.

WHILE YOUR LETTER RELATES THAT THE PRINCIPAL SPEAKERS AT THE CONFERENCE APPEARED AT THE PROGRAMMED LUNCHEONS AND THE DINNER WHICH APPARENTLY WERE CATERED BY THE UNIVERSITY, AND SUGGESTS THAT THERE WAS AN INTERMINGLING OF BUSINESS OF THE CONFERENCE WITH THE MEALS, NO FACTS ARE SUBMITTED FROM WHICH WE MAY DETERMINE WHETHER THOSE OCCASIONS WERE MERELY DESIRABLE SOCIAL INTERLUDES IN THE CONFERENCE OR WHETHER THE FORMAL BUSINESS OF THE CONFERENCE CONTINUED THROUGH THE MEALS.

SINCE, AS POINTED OUT IN 38 COMP. GEN. 134, ABOVE, THE EXPENSE OF SUBSISTENCE AT HEADQUARTERS IS PERSONAL TO THE EMPLOYEE AND MEALS ORDINARILY MAY NOT BE FURNISHED HIM AT GOVERNMENT EXPENSE, WE ARE UNABLE, ON THE PRESENT RECORD, TO AUTHORIZE CERTIFICATION OF THE VOUCHER.

HOWEVER, SHOULD IT BE ADMINISTRATIVELY DETERMINED AS A MATTER OF FACT AND RECORD THAT THE OFFICIAL BUSINESS OF THE CONFERENCE DID CONTINUE THROUGH THE MEALS IN QUESTION, REIMBURSEMENT OF THE CLAIMANT MAY BE ALLOWED.

THE VOUCHER WHICH IS RETURNED HEREWITH MAY NOT BE CERTIFIED FOR PAYMENT IN THE ABSENCE OF THE ADMINISTRATIVE DETERMINATION REFERRED TO IN THE PRECEDING PARAGRAPH.