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B-167820, Oct. 7, 1969

Number: B-167820

Date: 1969-10-07

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SUBSISTENCE--NECESSARY EXPENSES OF SUBSISTENCE REQUIREMENT EMPLOYEE, AUTHORIZED TO TRAVEL FROM FORT COLLINS, COLO. TO ALEXANDRIA, VA; TO ATTEND OFFICIAL MEETING WITH REIMBURSEMENT OF ACTUAL SUBSISTENCE EXPENSES NOT TO EXCEED $24 PER DAY, CANNOT BE REIMBURSED EXPENDITURES FOR NEWSPAPERS, CANDY, POP, COFFEE AND ROLLS (NOT CONSUMED AS PART OF REGULAR MEAL) SINCE SUBSISTENCE IS DEFINED IN 5 U.S.C. 5701 (3) AS MEANING "LODGING, MEALS AND OTHER NECESSARY EXPENSES FOR THE PERSONAL SUSTENANCE AND COMFORT OF TRAVEL" AND SUCH ITEMS ARE NOT REASONABLY VIEWED AS NECESSARY EXPENDITURES. INASMUCH AS DAILY LIMITATION SPECIFIED IN TRAVEL ORDER WAS $24, EMPLOYEE IS NOT ENTITLED TO AMOUNTS OVER SUCH LIMITATION AND APPROPRIATE ACTION SHOULD BE TAKEN TO COLLECT OVERPAYMENT.

TO MR. PAUL J. GRAINGER:

YOUR LETTER OF AUGUST 26, 1969, REFERENCE 6540, REQUESTS OUR DECISION WHETHER THE ENCLOSED RECLAIM VOUCHER FOR $5.36, IN FAVOR OF MR. DONALD H. MORTON, AN EMPLOYEE OF THE FOREST SERVICE, MAY PROPERLY BE CERTIFIED FOR PAYMENT.

BY TRAVEL ORDER DATED APRIL 18, 1969, MR. MORTON WAS AUTHORIZED TO TRAVEL FROM FORT COLLINS, COLORADO, TO ALEXANDRIA, VIRGINIA, AND RETURN, FOR THE PURPOSE OF ATTENDING AN OFFICIAL MEETING. HE WAS AUTHORIZED REIMBURSEMENT OF ACTUAL SUBSISTENCE EXPENSES NOT TO EXCEED $24 PER DAY UNDER 5 U.S.C. 5702/C).

IN ACCORDANCE WITH SUBSECTION 6.12F OF THE STANDARDIZED GOVERNMENT TRAVEL REGULATIONS MR. MORTON SUBMITTED AN ITEMIZED LIST OF HIS DAILY SUBSISTENCE EXPENSES COVERING THE PERIOD OF TRAVEL FROM 8 A.M. ON APRIL 27 TO MIDNIGHT OF MAY 2, 1969. INCLUDED THEREIN WERE EXPENDITURES FOR VARIOUS ITEMS TOTALING $5.36. THOSE EXPENSES WERE ADMINISTRATIVELY SUSPENDED FROM THE EMPLOYEE'S ORIGINAL TRAVEL VOUCHER AND ARE RECLAIMED BY HIM ON THE VOUCHER BEFORE US.

UNDER THE PROVISIONS OF 5 U.S.C. 5702/C) AND THE REGULATIONS ISSUED PURSUANT THERETO ONLY NECESSARY EXPENSES OF SUBSISTENCE ARE REIMBURSABLE. SEE SUBSECTIONS 6.12B AND 6.12C OF THE STANDARDIZED GOVERNMENT TRAVEL REGULATIONS. THE TERM "SUBSISTENCE" IS DEFINED AS MEANING "LODGING, MEALS, AND OTHER NECESSARY EXPENSES FOR THE PERSONAL SUSTENANCE AND COMFORT OF THE TRAVELER.' 5 U.S.C. 5701/3). IN THE PRESENT CASE WE DO NOT BELIEVE THAT THE EMPLOYEE'S EXPENDITURES FOR NEWSPAPERS, CANDY, POP, AND COFFEE AND ROLLS (NOT CONSUMED AS PART OF A REGULAR MEAL) MAY REASONABLY BE VIEWED AS BEING NECESSARY EXPENSES OF SUBSISTENCE. CF. B- 164366, AUGUST 16, 1968, COPY HEREWITH. THEREFORE, SUCH ITEMS ARE NOT REIMBURSABLE. ALL OTHER ITEMS CLAIMED BY THE EMPLOYEE ARE REGARDED AS BEING NECESSARY SUBSISTENCE EXPENSES AND, THEREFORE, ARE REIMBURSABLE.

THE COPY OF MR. MORTON'S PAID VOUCHER COVERING THE TRAVEL IN QUESTION DISCLOSES THAT REIMBURSEMENT OF HIS ACTUAL SUBSISTENCE EXPENSES WAS NOT LIMITED TO THE DAILY AMOUNT ($24) SPECIFIED IN HIS TRAVEL ORDER AS IS REQUIRED BY 5 U.S.C. 5702/C) AND SECTION 6.12 OF THE TRAVEL REGULATIONS. THE RECORD SHOWS THAT THE EMPLOYEE'S NECESSARY SUBSISTENCE EXPENSES AMOUNTED TO $18.28 ON APRIL 27; $23.52 ON APRIL 28; $25.91 ON APRIL 29; $26.02 ON APRIL 30; $24.39 ON MAY 1; AND $12.85 ON MAY 2. IN ACCORDANCE WITH THE DAILY LIMITATION SPECIFIED IN HIS TRAVEL ORDER, REIMBURSEMENT OF EXPENSES MUST BE LIMITED TO $24 ON APRIL 29 AND 30 AND MAY 1. THUS, THE TOTAL AMOUNT TO WHICH THE EMPLOYEE IS ENTITLED FOR THE TRAVEL IN QUESTION IS $126.65.

SINCE MR. MORTON WAS PAID THE SUM OF $129.77 ON HIS ORIGINAL VOUCHER, HE IS REQUIRED TO REFUND TO THE GOVERNMENT THE OVERPAYMENT OF $3.12. APPROPRIATE ACTION SHOULD BE TAKEN TO COLLECT SUCH AMOUNT FROM THE EMPLOYEE.

THE VOUCHER, WHICH IS RETURNED HEREWITH, MAY NOT BE CERTIFIED FOR PAYMENT.