Text as published on gao.gov, https://www.gao.gov/products/b-232112, archived 2026-07-17. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-232112, Mar 8, 1990

Number: B-232112

Date: 1990-03-08

B-232112, Mar 8, 1990

MILITARY PERSONNEL - Pay - Additional pay - Eligibility - Meals DIGEST: Enlisted military personnel performing security duty at a location within the corporate limits of their permanent duty station, are not entitled to reimbursement for meals and snacks eaten while on duty.

Staff Sergeant Rosemary Veve, et. al.:

This matter comes to this Office on the request of the Department of the Air Force /1/ for an advance decision on the claims of four enlisted members for reimbursement of the cost of meals and snacks while assigned to a security detail within the corporate limits of their duty station. For the following reasons it is our view that reimbursement is not authorized.

BACKGROUND

Staff Sergeant (SSgt.) Rosemary Veve, SSgt. John M. Vasquez, SSgt. Jeffrey J. Johnson and AIC Yvette C. Birdsall, United States Air Force, provided personal security for the commanders-in-chief of the Military Airlift Command and the Strategic Air Command (SAC) during an off-base social event, inside the corporate limits of the city of the members' permanent duty station, during the period of September 20-23, 1987. While performing this duty the members purchased meals and snacks either at the site of the event, or at nearby restaurants. The unit commander of the 96th Security Police Command suggests that reimbursement for these expenditures is proper in accordance with Air Force Regulation (AFR) 125- 21. Section A, para. 4c of that regulation states in part that: "reimbursement for expenses incurred while conducting an investigation will be pre-approved on a case-by-case basis." A memorandum from a unit official was issued September 24, l987, authorizing reimbursement for the members' expenses. The record does not indicate if any of the involved members normally mess separately, or whether any subsistence allowances were paid to any of the members as a result of this duty.

A memorandum from the Deputy Chief of Staff, Comptroller, Headquarters Strategic Air Command points out that AFR 125-21, para. 4c, does not appear applicable to this case. He notes that while volume 1 of the Joint Federal Travel Regulations (JFTR), para. U4115 G authorizes reimbursement to a member for occasional meals when the member procured meals from other than a government mess outside the limits of his permanent duty station, no authority exists to reimburse a member for meals procured within the limits of his permanent duty station.

DISCUSSION

It is our view that AFR 125-21 does not provide authority for the reimbursement for the costs of purchasing meals in the described situation. The regulation provides that, if preapproved, expenses incurred in conducting an investigation may be reimbursed. In this situation preapproval was not granted and the assignment was not an investigation. Additionally, the regulation is silent as to the type of expenses for which reimbursement would be authorized. However, in view of the decisions of this Office and 1 JFTR, para. U4115 G, it is doubtful that the regulation contemplated reimbursement for meals purchased in the course of an investigation.

As a general rule civilian employees of the government and members of the uniformed services are not entitled to reimbursement for lodging expenses and meal expenses at their permanent stations. Exceptions to this rule have been made in cases involving an extreme emergency involving danger to human life or threat to government property or in certain situations involving training. 53 Comp.Gen. 71 (1973) and B-193955, Sept. 14, 1979. However, the circumstances here involve a security detail and there is no indication that an emergency situation existed. Accordingly, it is our view that no authority exists to reimburse the members for the purchase of the meals in the described circumstances.

We note that 37 U.S.C. Sec. 402 authorizes a payment to be made to members in certain circumstances when a government mess is not available. While in this case we have no information concerning whether the members involved are receiving subsistence allowances, it may be that they are entitled to a payment under that law.

/1/ The Per Diem, Travel and Transportation Allowance Committee has assigned the request PDTATAC Control No. 88-10.