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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548



IN REPLY REFER TO: B-197386 (MRV)

OFFICE OF GENERAL COUNSEL

[DOE Disallowance of Travel Voucher Items] April 2, 1980

Mr. Gene Daly
3850 Cynthia Drive
Casper, Wyoming 82601

Dear Mr. Daly:

This is in response to your letter of December 28, 1979, requesting our review of certain items on your recent travel vouchers which have been disallowed by your employing agency, the Department of Energy (DOE). 912

In view of the statutes relating to our decision-making authority, we are unable to render a formal decision to you at this time. See 31 U.S.C. §§ 74 and 82d. However, on the basis of the information provided by you, we offer the following comments on your situation. If, after studying this information, you believe you are entitled to additional reimbursement for travel expenses, you may submit a claim through your agency to our Claims Group in accordance with the provisions of 31 U.S.C. § 71 and 4 C.F.R. Part 31.

Your letter states that you have been denied reimbursement for certain meals consumed while on temporary duty travel on the grounds that these claims were excessive. You question the necessity for providing a complete justification for these expenses. However, we note that the determination by DOE to deny apparently excessive meal costs is consistent with recent decisions of our Office. See Charles J. Frisch, B-186740, March 15, 1977; and Norma J. Kephart, B-186078, October 12, 1976. In those decisions we held that employees traveling on official business are entitled to reimbursement for only reasonable expenses for meals since employees are required to act prudently in incurring expenses. See also Federal Travel Regulations (FTR) para. 1-1.3a and b.

As we pointed out in Frisch and Kephart, the determination as to what constitutes "reasonable expenses" is primarily the responsibility of the employing agency. In order to provide guidance for employees traveling in high rate areas, we suggested that agencies consider issuing written guidelines to serve as a basis for review of an employee's expenses. See FTR para. 1-8.3b and Kephart, supra.

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We have been informally advised by DOE officials that such guidelines do not currently exist, but we suggest that in light of these decisions you may wish to discuss further with DOE officials whether your meal costs were reasonable and whether DOE will issue written guidelines as discussed above.

Your letter also questions the fact that you alone have been ordered to provide receipts for all future meals claimed while traveling on an actual subsistence expense basis. Under the provisions of the FTR, employees traveling on official business at a minimum must provide receipts for lodging expenses, expenditures in excess of \$15, and certain miscellaneous expenses. See FTR paras. 1-8.5 and 1-11.3.c. We believe that agencies may require receipts for other expenses such as meals, but we cannot recall any prior decisions on this point. Since it appears that DOE does not have an agency regulation on this point, we believe this matter should also be pursued with appropriate officials in DOE.

You further question the requirement that your lowest cost meal be breakfast, next highest lunch, and highest dinner since you prefer to eat a large breakfast and lunch and a lighter dinner meal. The information you have provided does not indicate that your claims have been limited in that manner, and we are unaware of any DOE regulation to that effect.

Finally, you ask why your voluntary return travel costs to your official station on weekends or nonworkdays are limited to the per diem rate of \$35 or to your average daily claim for subsistence while you occupy travel trailer lodging at the temporary duty station. Under the provisions of FTR paras. 1-7.5c and 1-8.4f, employees on temporary duty may be reimbursed for voluntary return travel on nonworkdays not to exceed what the employee would have been allowable at the temporary duty site. At least one agency has determined that "what would have been allowable" will be based on the average amounts claimed during the prior week. See Internal Revenue Service, B-194791, March 10, 1980. We suggest that you obtain a copy of the applicable section of DOE's travel regulations and discuss this matter further with your supervisors.

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We have enclosed copies of the GAO decisions cited above, and we trust that the above information is of assistance to you.

Sincerely yours,

Harry R. Van Cleave
for Milton J. Socolar
General Counsel

Enclosures

cc: The Honorable Alan K. Simpson
United States Senate