

17022 *Berk*

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

[Navy Use of Appropriated Funds For Purchase of Luggage]

FILE: B-200154

DATE: February 12, 1981

MATTER OF: Use of appropriated funds for the purchase of luggage for use by members of the Navy Recruit Mobile Training Team

DLG06103

DIGEST: GAO will not object to Navy using appropriated funds to pay for luggage previously procured for use by Recruit Mobile Training Team members under particular circumstances of this case. Payment would ordinarily be prohibited under rule that equipment for personal use is not authorized to be purchased with appropriated funds in the absence of specific provision therefore contained in appropriations or other statutes, if equipment is for employee's personal convenience or comfort, or can be reasonably expected to be furnished by employee himself in order to perform his job. However, team members travel approximately 26 weeks per year on official government business, and Navy believes that it is not reasonable to expect team members to provide their own luggage in light of exceptional wear and tear due to amount of travel. We will defer to Navy's judgment on this point. Voucher may be paid as long as it is clear that luggage belongs to Navy, not employees, and is made available to employees only in the special circumstances described.

DLG06102

The Department of the Navy requests our decision on whether the Navy may use appropriated funds to buy luggage for use by members of the Recruit Mobile Training Team. For the reasons discussed below the voucher in the amount of \$755.20 covering the cost of 14 pieces of luggage purchased from Luggage World Inc., Winter Park, Florida, by the Naval Administrative Command, Orlando, Florida, may be certified for payment. *DLC 06104*

The Command purchased the luggage for members of the Navy Recruit Mobile Training Team to carry their personal belongings while traveling on official business. The Team travels an average of 26 weeks a year, inspecting and training the recruiters, processors and managers who conduct the field activities of the Navy Recruiting Command. The Navy has retained the luggage as its property to be used as organizational issue material with strict accountability and controls.

An agency may not use appropriated funds to buy equipment or furnishings for employees' personal use unless so provided in the agency's appropriation act or other statute, if the equipment or furnishings are for the employees' personal convenience or comfort or if they are the kind of item which could reasonably be expected to be supplied by the employee himself as part of the usual and necessary

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equipment for the employees' work. 2 Comp. Gen. 258, (1922), 652 (1923), 5 id. 517 (1926), 23 id. 831 (1944). We stated some principles which can guide an agency in determining whether any particular equipment is personal to the employee in 3 Comp. Gen. 433 (also quoted with approval in 23 Comp. Gen. 831 (1944) and 56 Comp. Gen. 398 (1977)):

"In the absence of specific statutory authority for the purchase of personal equipment, particularly wearing apparel or parts thereof, the first question for consideration in connection with a proposed purchase of such equipment is whether the object for which the appropriation involved was made can be accomplished as expeditiously and satisfactorily from the Government's standpoint, without such equipment. If it be determined that use of the equipment is necessary in the accomplishment of the purposes of the appropriation, the next question to be considered is whether the equipment is such as the employee reasonably could be required to furnish as part of the personal equipment necessary to enable him to perform the regular duties of the position to which he was appointed or for which his services were engaged. Unless the answer to both of these questions is in the negative, public funds cannot be used for the purchase. In determining the first of these questions there is for consideration whether the Government or the employee receives the principal benefit resulting from use of the equipment and whether an employee reasonably could be required to perform the service without the equipment. In connection with the second question the points ordinarily involved are whether the equipment is to be used by the employee in connection with his regular duties or only in emergencies or at infrequent intervals and whether such equipment is assigned to an employee for individual use or is intended for and actually to be used by different employees."

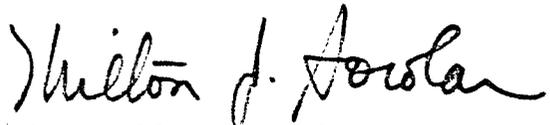
Applying these principles in this case, we think that both tests have been met. The luggage is needed for the Team to perform its mission of assisting the Recruiting Command's field activities. The Team must travel extensively in order to carry out its mission expeditiously and satisfactorily, and clearly, team members cannot travel without luggage.

B-200154

As to the second test, while we think the matter is debatable, we have decided to accept the Navy's determination that Team members could not reasonably be required to furnish their own luggage under the circumstances presented in this case. Clearly, the occasional traveller on Government business should supply his own luggage. However, the officer in charge of the Navy Recruiting Orientation Unit believes that it is unreasonable to require the Team members to provide their own luggage because the excessive amount of travel the Team has been doing has already caused extreme wear and tear on their personal baggage. We can find no basis for disagreeing with the officer's determination, particularly in view of the fact that we have not ruled on this precise question before. We are mindful of the fact that many travellers experience hardship when traveling on Government business--e.g., when travel expenses exceed allowable reimbursements when traveling to high cost cities. We also note how difficult it is to state a precise rule for determining how much travel is excessive enough to justify the provision of luggage by the Government. We suggest that the Navy advise its contracting and certifying officers that purchases of baggage--as opposed to purchases of attache cases or similar items--will be permitted only in highly unusual circumstances in the future.

Where the purchase of luggage is permitted, it must be treated as "organizational issue material"--i.e., as Navy property to be used only for official purposes and stored at a Naval facility, as was done in the present case. This satisfies the final element of the test enunciated in 3 Comp. Gen. 433, quoted above.

For these reasons the Navy may pay the Luggage World's voucher.



For the Comptroller General
of the United States