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**DECISION**

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

FILE: B-193504

DATE: August 9, 1979

MATTER OF: Mr. Jesse A. Atkins--Reimbursement  
for meals

DIGEST: Employee's claim for cost of dinners purchased after his arrival at a temporary duty station in a high cost geographical area may not be allowed since he traveled on airplane flights paid for by the Government on which dinner was served. The facts that he may not have eaten the furnished meals by personal choice, or that he desired additional food, are not sufficiently justifying reasons to allow reimbursement for additional dinner meals purchased after his arrival at destination.

Mr. Jesse A. Atkins, <sup>an employee of the</sup> Naval Sea Systems Command, requests reconsideration of our Claims Division's settlement dated September 26, 1978, which disallowed his claim for reimbursement of dinner meals he purchased incident to temporary duty travel to Los Angeles, California <sup>from Washington, D.C.</sup> (a high cost geographical area). The denial of his claim is sustained since he could have eaten the meals served on the airline flights he used, and his reasons for not doing so do not justify reimbursement by the Government for additional meals in the circumstances.

The employee, on two occasions, was assigned temporary duty from Washington, D.C., to Los Angeles, California, and claimed \$8.75 as reimbursement for dinner meals purchased on July 19, 1976 (\$4.50) and September 22, 1976 (\$4.25), after his commercial flights (providing in-flight meals) had landed in Los Angeles.

(His claim for reimbursement for the dinner meals purchased was administratively denied and then disallowed by Claims Division settlement dated September 26, 1978 (citing decision E-185826, May 28, 1976) essentially because dinner meals were included in the price of his airline tickets and available to him, and in the absence of justifiable reasons why he did not partake of the meals served, no reimbursement could be made for the dinner meals claimed.

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( In his request for reconsideration, Mr. Atkins contends that meals should not be considered part of the airline fare, since meals in flight are served at no cost, and no refund is due the passenger if the meal is unsatisfactory or if one is not provided. Therefore, he urges that decision B-185826 be reevaluated and that his claim for dinner meals purchased after landing in Los Angeles should be payable.) We do not agree for the following reasons.

Subsection 5702(c) of title 5, United States Code, provides in pertinent part as follows:

"Under regulations prescribed under section 5707 of this title, the Administrator of General Services, or his designee, may prescribe conditions under which an employee may be reimbursed for the actual and necessary expenses of official travel \* \* \*."

Item 1-1.3b of the Administrator's implementing regulations, the Federal Travel Regulations, FPMR 101-7, May 1973, provides as follows:

"Traveling expenses which will be reimbursed are confined to those expenses essential to the transacting of the official business."

In line with the foregoing authority, we held in Matter of Bennie L. Pierce, B-185826, May 28, 1976, to which Mr. Atkins refers, that:

"When meals are included in the price of an airline ticket and are in fact provided during the course of the flight, it is not proper to allow reimbursement for duplicate meals purchased after the traveler leaves the plane, in the absence of justifiable reasons why the traveler did not

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partake of the meals served on the flight or, if he did so, why extra meals were required."

See also Matter of Thomas B. Woll, B-186820, February 23, 1978.

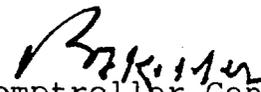
Such reasoning is not to be construed as precluding reimbursement in every situation involving meals furnished on airlines, but involves a matter of judgment with respect to the particular facts in a given case.

The contentions presented in this claim that the meals on the flights to Los Angeles were not of the quality and quantity to which the traveler was accustomed at home is a matter of personal preference, not of necessity. This reasoning, alone, is not a "justifiable reason" under Pierce and Woll, supra, and would lead to the result that every Government employee traveling by air would be free to eat or reject the meal provided in flight, or to eat that meal and purchase an additional meal, based upon his personal preference or the size of his appetite. Also, the contention that the meal is not included in the price of the airline ticket is not realistic, since the cost of meals provided on flights are factored into the overall costs of air carriers in their charges to the traveler, whether or not the traveler is on a "meal" flight. In any event, the dinner flights Mr. Atkins used were paid for by the Government and that service included the meals as well as the transportation.

We view a reasonable approach to be that (when a traveler does not eat a meal provided by an airline and then claims the cost of a substitute meal taken after arrival at the temporary duty location (at which he is allowed subsistence on an actual expense basis), he must have "justifiable reasons" for such action.) See Matter of James H. Morrill, B-192246, January 8, 1979, wherein payment was allowed since employee had justifiable reasons based on unusual time elements involved for his action.

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In the present case, however, no basis is found on which a determination that "justifiable reasons" existed for the action taken by the traveler in rejecting his airline meals. Accordingly, the disallowance by our Claims Division is sustained.

  
Acting Comptroller General  
of the United States