

OpJAGAF 2019-16, TRAVEL COSTS, 28 March 2019, Acceptance of Travel Costs and Meals at Regional Ecclesiastic Meetings

TOPIC

This opinion discusses the acceptance of travel benefits and meals at regional ecclesiastical meetings. The understanding is that these meetings are not official events, but are mandatory to remain current with endorsers in one's practice area. Subject to the limitations discussed below, members can accept certain travel benefits and meals IAW 5 CFR 2635.204.

Travel (status):

Recommended: Permissive TDY (PTDY) - Outside local area: In accordance with Air Force Instruction (AFI) 36-3003, *Military Leave Program*, 11 May 2016, members have the authority to use PTDY to attend meetings/seminars that clearly enhance the member's value to the Air Force and have a direct relationship to the member's primary duties (See Table 4.5, Rule 7). There is also authority for chaplains to use PTDY for retreats and consultations with ecclesiastical superiors, but the meeting must enhance mission requirements. (See Table 4.5, Rule 10). This option authorizes chaplains outside the local area to travel to the meetings but at their personal expense. However, PTDY is defined as non-chargeable leave when TDY is not proper. A lack of TDY funds cannot be a reason to grant PTDY. As long as these meetings are not seen as official events, PTDY is authorized.

Travel (funding):

Not recommended: Travel under 31 U.S.C §1353, *Acceptance of Travel and Related Expenses from Non-Federal Sources*, is not recommended. In order to accept travel under Title 31 U.S.C 1353, a member must be in official travel status. Therefore, if travel expenses are offered by an outside entity for PTDY personnel, it cannot be accepted as a gift of travel benefits to the Air Force under Title 31 U.S.C §1353.

Recommended (when endorser is willing to pay): Gift of travel - A member may be able to accept a gift of travel from an outside entity if it is (1) offered by a non-prohibited source¹ to any group or class and (2) the offer is not defined in a manner that specifically discriminates among government employees on the basis of type of official responsibility or on a basis that favors those of higher rank or rate of pay. Based on this definition, we believe members could accept

¹ *Prohibited source* means any person who: (1) Is seeking official action by the employee's agency; (2) Does business or seeks to do business with the employee's agency; (3) Conducts activities regulated by the employee's agency; (4) Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties; or (5) Is an organization a majority of whose members are described in this section. See 5 C.F.R. 2635.203(d)

travel expenses to the meetings offered to a class defined as “in-theater military chaplains of the XX faith,” by outside non-prohibited sources. 5 C.F.R 2635.204(c)(2).

Recommended (when endorser is not willing to pay): Personal funds - Because these meetings are not seen as official events, a member can use his or her personal funds to cover travel expenses. If using personal funds, the member can still be in a PTDY status.

Meals²:

Recommended: Gift - If offered by an outside entity, a member may accept a gift of a meal per 5 C.F.R 2635.204(c)(2) as noted above.

Recommended: Meals in Foreign Areas - A member assigned to duty in, or on official travel to, a foreign area may accept unsolicited food, refreshments or entertainment in the course of a breakfast, lunch, dinner or other meeting if (1) the market value (in U.S. currency) does not exceed the total per diem rate in the foreign area; (2) there is participation at the event by non-U.S. persons; (3) attendance at the meeting is part of the member’s official duties and (4) the gift is not from a foreign government. 5 C.F.R 2635.204(i).

Recommended with caution: Gift - If offered by an outside entity, a member may accept a gift of a meal per 5 C.F.R 2635.204(c)(2) as noted above. A member may also accept food, refreshments and entertainment, not including travel/lodging, at a social event attended by several people if (1) the invitation is unsolicited and from a non-prohibited source and (2) no fee is charged to any person in attendance per 5 C.F.R 2635.204(h).

Conclusion: Members may travel to ecclesiastical meetings outside their local area in a PTDY status and may either pay for travel out of personal funds or accept a gift of travel expenses from an outside non-prohibited source, if the gift is offered to any group or class not defined in favor of rank or responsibility (See 5 C.F.R 2635.204(c)(2)). Members may also accept meals offered under the same authority or under the social invitation exception at 5 C.F.R 2635.204(h).

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² Note: Any of these theories would also allow acceptance of a free meal for a spouse.