

March 2, 1964



Honorable Joe R. Ellis  
Prosecuting Attorney  
Barry County  
Cassville, Missouri

Dear Mr. Ellis:

Your recent letter referred to a requirement by the Barry County Court for the juvenile officer to submit an itemized statement showing dates, cases and trips in which mileage was incurred in the performance of official duties before reimbursing him for mileage expense. You asked if the county court could make such a requirement.

Section 211.391, RSMo., provides for expenses for the juvenile officer in second, third and fourth class counties as follows:

"2. Actual expenses, including a mileage allowance not to exceed that amount allowed state officers for each mile traveled on official business but exclusive of office expense, incurred by the juvenile officer and deputy juvenile officers while in the performance of their official duties shall be reimbursed to them out of the funds of the county or counties."

It is to be noted that the mileage allowance is for each mile traveled on official business while in the performance of their official duties.

Mileage expenses are not given to the officer as a matter of course. He must indicate in some manner that he is entitled to such reimbursement for miles traveled on official business.

Honorable Joe R. Ellis

In State v. Wehmeyer, 113 SW2d 1031, 1033, the court held that there is no right to mandamus against the county court to compel payment of a claim for compensation unless the claim be clear and free from doubt. The county court has the power and duty of auditing and settling all demands against the county and is called upon to exercise a discretion which is vested in it for the purpose of enabling it to protect the county from unjust or incorrect claims.

Therefore, it is not unreasonable for the court to require an officer to be specific as to dates, cases and trips on which such miles were traveled so that the county court may be assured that such were traveled on official business.

I hope that the above satisfactorily answers your question and if I may be of further assistance do not hesitate to call on me.

Very truly yours,

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THOMAS F. EAGLETON  
Attorney General

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