

DECISION

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

FILE: D-187188

DATE OCT 18 1976

MATTER OF: Staff Sergeant Thomas J. Hollman, USA, Retired

DIGEST:

While record indicates member occupied off-post housing while attached to unit in Yongson, Seoul, Korea, he is not entitled to station housing allowance under 1 Joint Travel Regulations, para. M4301-3(b)(3) (change 221, June 1, 1971), for a member without dependents, during a period for which there is no showing that Government quarters were not assigned to him or that off-post residence was approved by the commanding officer.

This action is in response to a letter dated August 4, 1976, from Staff Sergeant Thomas J. Hollman, USA, Retired, requesting reconsideration of a partial disallowance by the Claims Division of this Office, of his claim for station housing allowance for the period of November 27, 1971, through June 30, 1973, incident to his service in the United States Army.

The record shows that by Special Orders No. 174 dated October 7, 1971, the member was ordered attached to the United States Army Garrison Yongson (Seoul, Korea).

The record also indicates that the member entered into two rental agreements each of 11-month duration for the rental of off-post housing in Yongson-gu, Seoul, Korea, for the period of December 27, 1971, to December 27, 1973. By request dated June 10, 1974, the member sought authorization to reside off post retroactive to November 27, 1971. The request to reside off post was approved on July 29, 1974, effective May 1, 1973.

The record further shows that by application dated August 16, 1974, the member filed a claim with the United States Army Finance Support Agency (USAFSA), Indianapolis, Indiana, for station housing allowance for the period November 27, 1971, through June 30, 1973, after having been advised that the Finance Office in Yongson, Seoul, Korea, was not authorized to pay claims over 12 months in arrears.

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A-187188

By transmittal form dated March 7, 1975, the USAFSA forwarded the claim to our Claims Division for settlement and recommended that the claim be disallowed inasmuch as no orders were received authorizing station housing allowance and written authorization to reside off post was not issued until July 29, 1974. By settlement dated September 18, 1975, and subsequent amending settlement dated December 29, 1975, the member's claim was allowed for the period of May 1, 1973, through June 30, 1973, but the remainder of the claim was disallowed because there was no documentation in the record showing that the member was authorized to live off post prior to May 1, 1973.

In his appeal the member requests reconsideration of the partial disallowance of his claim based on the request to reside off post which was approved July 29, 1974, and other documents submitted.

Station housing allowances are authorized by 37 U.S.C. 405 (1970) as proscribed in Volume 1, Joint Travel Regulations (1 JTR), Paragraph M4300-2, 1 JTR (change 224, September 1, 1971), provides that a member in pay grade E-4 or higher whose dependents are not authorized by the appropriate military commander to be present in vicinity of the member's overseas duty station is a "member without dependents." This was the situation in the case under consideration.

Paragraph M4301-3(b)(3), 1 JTR (change 221, June 1, 1971), provides that housing allowances are payable to a member without dependents for any day upon which Government quarters are not assigned to him at his permanent duty station.

While the record before us shows that the member leased private quarters during the period December 27, 1971, to December 27, 1973, it does not demonstrate that Government quarters were not assigned to the member nor is there any indication that he was authorized to reside off post by his commanding officer prior to May 1, 1973. In fact, although the member in his June 10, 1974 request sought such authorization retroactive to November 27, 1971, the authorization was granted retroactively only to May 1, 1973. Accordingly, while the member may have lived off post prior to May 1, 1973, there is nothing in the record to show that he did so because Government

B-187188

quarters were not assigned, as is required by the regulation. Consequently, based on the record before us, the member is not entitled to payment of station housing allowance for the period November 27, 1971, through April 30, 1973, and accordingly, the Claims Division settlement is sustained.

E. F. KELLER
Acting Comptroller General
of the United States