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DECISION



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

FILE: B-151168

DATE: DEC 22 1976

MATTER OF: Remission of debts of enlisted personnel

DIGEST:

Indebtedness of a Navy member detailed to State Department due to excessive travel advances from Department of State funds which was remitted by the Navy in accordance with 10 U.S.C. 6161 should be borne by the Department of the Navy's appropriation since the sums advanced are considered as payments made for and on behalf of the military department concerned the same as if the advances had been made by the military department to a military member not on detail. See B-151168, May 18, 1972, and 5 Comp. Gen. 319 (1925).

This action is in response to a letter from the Chief, Voucher Examination Branch, Financial Services, Department of State, concerning the status of certain Department of State travel advances to Navy enlisted members the repayment of which was remitted by the Department of the Navy. It is stated that the Department of the Navy has remitted the indebtedness to the Department of State of three of its enlisted members applying the decision B-151168, May 18, 1972, and the provisions of 10 U.S.C. 6161. However, the indebtednesses currently are carried in the accounts of the Department of State as outstanding travel advances. The question raised is which agency's appropriation, the Department of State or the Department of the Navy, should bear the cost of the amount of the indebtedness remitted?

The indebtednesses in question arose as a result of travel advances made from Department of State funds available for travel advances to employees to cover expenses at the full per diem rate for three Navy members detailed to the State Department for services at an overseas location. However, upon submission of their travel vouchers a portion of the amounts claimed was disallowed in accordance with applicable regulations (para. M4254, Volume 1, Joint Travel Regulations in effect prior to June 1, 1976) stipulating that per diem will be reduced by

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50 percent when lodging is furnished by the Government. Thus, payments to the members for travel expenses, which were apparently used to repay part of the travel advances in question, were substantially less than the amount which had been advanced. In that connection it is noted that the temporary duty involved lasted for a relatively long period.

The members subsequently requested remission of the indebtedness under the provisions of 10 U.S.C. 6161 which authorizes remission or cancellation of any part of an enlisted member's indebtedness to the United States prior to his honorable discharge. Remission was granted by the Navy. The Department of State has now questioned which agency should bear the cost of the indebtedness remitted.

Section 6161 of title 10, United States Code (1970) provides:

"Remission of indebtedness of enlisted members upon discharge"

"If he considers it in the best interest of the United States, the Secretary of the Navy may have remitted or canceled any part of an enlisted member's indebtedness to the United States or any of its instrumentalities remaining unpaid before, or at the time of, that member's honorable discharge."

In decision B-151163, May 18, 1972, we had for consideration the matter of unliquidated travel advances made by the Federal Aviation Administration (FAA) to enlisted members of the Armed Forces detailed to FAA in connection with the sky marshal program. The question was asked whether indebtedness arising from excessive travel advances could be considered for remission under 10 U.S.C. 4837, 6161 and 9837. We stated that a military member detailed to FAA remained a member of the Armed Forces subject to recall by the military at any time and that his pay and allowances were subject to military laws and regulations. We also considered these payments to be made for and on behalf of the military department concerned the same as if the travel advances were made to a military member not on detail. We also cited 5 Comp. Gen. 317 (1925) which involved payments made directly to the traveler by the borrowing agency, wherein it was held that the payment was

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in effect a reimbursement of the appropriation of the department under which the employee was regularly employed.

Accordingly, since the advances here in question are considered as payments made for and on behalf of the Navy, the appropriations of that department should bear the cost of the amount of the indebtednesses remitted.

R. R. MILLER

Deputy, Comptroller General
of the United States