

PKM-2
Form

13095

DECISION



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

FILE: B-195027

DATE: March 12, 1980

MATTER OF: Mrs. Mona Lisa Kasha

- DIGEST:
1. Widow of deceased member may not be reimbursed transportation expenses incurred when her brother flew from United States to Germany and back to United States to aid her at time of her husband's death since he was not assigned to be the official escort pursuant to 10 U.S.C. § 1036 under which an escort may be assigned in extraordinary circumstances. The assignment of an escort and the type of escort is discretionary with the service. In this case the service expeditiously assigned a military escort who traveled with the widow.

 2. No authority exists to pay widow's travel expenses to attend disinterment and reinterment of husband's remains at a national cemetery even though movement of body was the result of the Government's failure to advise widow of the area where a private grave marker could be used instead of a Government supplied marker.

This case concerns whether Mrs. Mona Lisa Kasha may be reimbursed for the expenses of having her brother travel from the United States to Germany to aid her upon the death of her husband, Warrant Officer Richard J. Kasha, USA, and whether Mrs. Kasha may be reimbursed her travel expenses

[REQUEST for EXPENSES] ~~008927~~

11774

B-195027

upon the disinterment and reburial of her husband. As will be explained, no authority exists to pay either claim.

The case was presented for an advance decision by J. P. Malone, Finance and Accounting Officer, Department of the Army, Fort Monmouth, New Jersey. The Per Diem, Travel and Transportation Allowance Committee forwarded Mr. Malone's submission to us under PDTATAC Control No. 79-17. DLG04089
DLG01484

On June 27, 1978, Warrant Officer Kasha was killed in a helicopter crash while on active duty in Germany. Upon being notified the member's wife called her brother, Mario S. Fiorentini, to come to her assistance. Mr. Fiorentini immediately left the United States and arrived in Germany on June 28, 1978.

While Mr. Fiorentini was en route to Germany, the Army informed Mrs. Kasha that a military escort would accompany her and her husband's remains to the United States. On June 30, 1978, Mrs. Kasha and her military escort left Frankfurt, Germany, by commercial airliner and arrived in the United States with the deceased's remains. Mr. Fiorentini also accompanied his sister.

Warrant Officer Kasha was buried on July 6, 1978, in Arlington National Cemetery pursuant to the instructions contained in the appropriate Army form signed by Mrs. Kasha. The form specified that Mr. Kasha's grave was to be marked with a Government supplied marker. Mrs. Kasha states that she signed the form agreeing to the Government marker but that the form was filled out in advance and taken from her after she signed it but before she read it.

On the day of the burial, Mrs. Kasha noticed that certain graves in the cemetery had private markers. She subsequently investigated and found out that she could have supplied her own marker for her husband's grave.

B-195027

Mrs. Kasha wrote the Army requesting that her husband's remains be disinterred and reinterred in a section of the cemetery where private markers were allowed. This was accomplished at Government expense on August 28, 1978.

Based on these facts, Mrs. Kasha specifically is seeking reimbursement of her brother's round-trip travel expenses of \$1,358.60 to come to her aid in Germany and reimbursement of her travel expenses of \$82 between New Jersey and Washington, D.C., to attend the reburial of her husband on August 28, 1978.

Section 1036 of title 10, United States Code, provides that under regulations prescribed by the Secretary, payment of the round-trip travel of a person to escort the dependent of a military member who dies may be allowed if the travel is performed under competent orders. Additionally, this section provides that as a condition precedent to authorizing the escort's travel, the appropriate official must determine the dependent's travel is necessary and that the dependent is "incapable of traveling alone because of age, mental or physical incapacity, or other extraordinary circumstances." Implementing regulations consistent with this statutory benefit are contained in 1 Joint Travel Regulations (1 JTR), para. M6400 (ch. 301, March 1, 1978).

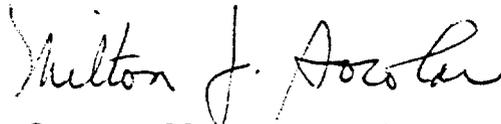
Under this statute, Mrs. Kasha's brother might have been assigned as an escort so as to have been reimbursed his transportation costs to Germany and back to the United States. However, the statute requires that an escort's travel be under competent orders after a determination is made that the deceased member's dependent is in need of an escort. When Mr. Fiorentini left for Germany, he had no travel orders nor had there been an opportunity for the Army to determine if an escort was needed. Also, there is no indication that at the time he traveled to Germany either he or Mrs. Kasha had been given any indication that he would be assigned as escort. As noted, under the statute the Army must determine an escort is needed prior to the issuance of travel orders. Within 24 hours of Warrant Officer Kasha's death, the Army made this determination and informed Mrs. Kasha that a military escort would be supplied.

B-195027

While we are sympathetic to the great tragedy which occurred in Mrs. Kasha's life, we cannot authorize payment solely on this ground. Under the statute and its implementing regulation the assignment of an escort and the determination as to type of escort are discretionary with the Army. See generally B-145752, February 12, 1962. In this case, the Army acted expeditiously and responsibly to assist Mrs. Kasha and to provide a military escort in bringing the body home for burial.

Regarding Mrs. Kasha's travel expenses for attending the reburial of her husband, we are unaware of any basis upon which reimbursement of these expenses could be authorized. It is unfortunate that Mrs. Kasha was not aware at the time of her husband's burial that he could be buried in an area where private monuments were allowed, or that the Army was unaware of her desire in that regard. However, in order for us to authorize payment of a travel expense, there must exist a statutory basis for the action, and there is none which authorizes transportation expenses for a dependent to attend a reburial in these circumstances. See B-156258, March 25, 1965.

Accordingly, the claims for transportation expenses must be denied.



For the Comptroller General
of the United States