

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**

WASHINGTON, D. C. 20548

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*[Request by Military Member for Reimbursement of Transoceanic Air
Travel Expenses]*

FILE: B-198660

DATE: August 19, 1980

MATTER OF: Gunnery Sergeant Douglas G. Thomas, USMC

DIGEST: Marine Corps member and his dependent who perform at personal expense circuitous transoceanic travel by commercial airline authorized by permanent change-of-station orders is entitled to reimbursement at Military Airlift Command rates for direct travel between duty stations despite having used commercial airline's reduced military fare contrary to Department of Defense (DOD) instruction providing that such fares may not be used by active duty members whose travel will be paid by DOD.

This decision is in response to a request for advance decision from the Disbursing Officer, United States Marine Corps Logistics Base, Albany, Georgia, concerning whether Gunnery Sergeant Douglas G. Thomas, USMC, may be reimbursed for transoceanic air travel performed at personal expense incident to permanent change-of-station (PCS) travel in July 1979. This request was forwarded to this Office by endorsement of April 28, 1980, by the Per Diem, Travel and Transportation Allowance Committee and has been assigned PDTATAC Control Number 80-17.

By Station Special Order of April 19, 1979, as modified by order of May 14, 1979, the member was reassigned from Iwakuni, Japan, to Albany, Georgia. The member's orders authorized his and his dependent's travel by mixed modes with leave en route and did not require travel by Government or Government-procured transportation.

Rather than proceed directly from Iwakuni to Los Angeles, California, and Albany, the member and his dependent wife chose to fly via commercial airline from Osaka, Japan, to Honolulu, Hawaii, remain there 2 days, and continue via commercial airline to Los Angeles and then on to Albany by private automobile.

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The \$584 commercial air fare for the member and his wife was calculated on a YM fare basis (reduced military or furlough fare). The member elected to be reimbursed at the Military Airlift Command (MAC) rate of \$277 from Iwakuni to the continental United States.

The disbursing officer is in doubt as to whether the member is entitled to reimbursement since he and his wife used reduced military air fares. Department of Defense Instruction 1336.4, April 16, 1976, indicates that such fares are to be used by members traveling on leave at their own expense, but not when their travel will be paid for by any element of the Department of Defense.

We authorize reimbursement of the air fare not to exceed the MAC rate.

Pursuant to 37 U.S.C. 404(a) and 406(a) under regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for himself and his dependents upon a change of permanent station. With respect to reimbursement for transoceanic travel, paragraphs M4159-4 and M7002-2b of the Joint Travel Regulations, Volume 1 (1 JTR), provide in pertinent part that when Government transportation is authorized in the travel orders (as opposed to directed), but transportation is performed at personal expense, the member is entitled to reimbursement for the cost of the transportation utilized not to exceed the amount the sponsoring service would have been required to pay for the available transportation.

Paragraph M4159-5, 1 JTR, similarly provides that when a member on PCS orders performs circuitous travel at his own expense for his personal convenience, he is entitled to reimbursement for his travel not to exceed the total amount that the member would have been entitled to for travel between his old and new duty

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stations via the direct route. See 54 Comp. Gen. 850 (1975); 47 Comp. Gen. 440 (1968); B-191681, November 21, 1978.

The disbursing officer's doubt arises because 1 JTR does not cover the use of reduced military air fares while Department of Defense Instruction No. 1336.4, April 16, 1976, states "Reduced cost commercial air fares are not to be used by active duty military members or dependents whose travel will be paid for by any element of the Department of Defense." The disbursing officer indicates that Marine Corps Order 4632.11 of July 2, 1976, also contains similar proscriptions.

The Department of Defense Directive and the Marine Corps Orders were apparently issued to provide the procedures to be used by members wishing to avail themselves of the benefit of the commercial airlines reduced military rates for members travelling for personal business, the total expense of which will be paid by the member. Apparently, the requirements placed on the use of those fares in the cited instruction and order are those placed on them by the airlines. Whether the member was entitled to the reduced fare in this case since at least part of his travel was at Government expense is not clear; however, that is primarily a matter between him and the airline. It does not affect his entitlement to reimbursement for PCS travel pursuant to 1 JTR.

In this case, the member is entitled to be reimbursed the actual cost of the transoceanic air fare, not to exceed the MAC rate (reportedly \$277), the cost of Government furnished transoceanic transportation from Iwakuni directly to Los Angeles. Accordingly, the voucher presented is being returned for payment in accordance with the above.

Milton J. Fowler

For the Comptroller General
of the United States