

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548***Shrink*
2331**FILE:** B-207624**DATE:** October 19, 1982**MATTER OF:** Sergeant First Class Lloyd P. Powell, USA

DIGEST: Under permanent change-of-station orders, an Army sergeant traveled from Germany to Fort Wainwright, Alaska, which was designated in the orders as his new permanent duty station. In fact, his assignment to Fort Wainwright was merely for the purpose of undergoing processing at the personnel center there and diversion to another Alaskan post for permanent duty. During the personnel processing Fort Richardson, Alaska, was designated as his new permanent duty station. He claims temporary lodging allowances for the 2-day period he resided in temporary quarters at Fort Wainwright. He is not entitled to temporary lodging allowances since that allowance is a permanent station allowance and Fort Wainwright was actually not his permanent duty station. However, he is entitled to per diem allowances for the 2-day period since he was in a travel status en route to his genuine permanent duty station at Fort Richardson.

This action is in response to a request submitted by Major R. F. Hawley, Finance and Accounting Officer, Fort Richardson, Alaska, for an advance decision concerning the entitlement of Sergeant First Class Lloyd P. Powell to temporary lodging allowances for a 2-day stay at Fort Wainwright, Alaska, to undergo personnel processing while en route to Fort Richardson, Alaska, on a permanent change-of-station assignment. The request was assigned control number 82-13 by the Department of Defense Per Diem, Travel and Transportation Allowance Committee.

As explained below, we find that Sergeant Powell is not entitled to temporary lodging allowances, but he is entitled to per diem allowances for the time he was delayed at Fort Wainwright for personnel processing.

Sergeant Powell received permanent change-of-station orders dated July 7, 1981, for reassignment from Germany to Alaska on an accompanied tour of duty to commence in October 1981. The orders designated Fort Wainwright, Alaska, as his new permanent duty station. When he arrived at Fort Wainwright on October 25, he secured off-post temporary lodgings for himself and his family.

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On October 26, during personnel processing, his orders were amended to designate Fort Richardson, Alaska, as his permanent duty station. On October 27 Sergeant Powell and his family traveled from Fort Wainwright to Fort Richardson, where they resided in temporary lodgings from October 27 through November 15, 1981.

Upon presentation of his claim for expenses incurred while occupying temporary lodgings, Sergeant Powell was paid temporary lodging allowances for the expenses incurred at Fort Richardson. He was denied payment for expenses at Fort Wainwright on October 25 and 26, on the basis that his permanent duty station was Fort Richardson, not Fort Wainwright, and that under the provisions of Volume 1, Joint Travel Regulations, paragraph M4303, subparagraphs 1, 2, and 3, he was not entitled to temporary lodging allowances for this period. Apparently, he was not paid per diem allowances for this period either.

It is indicated that Sergeant Powell's case is not an unusual one. Fort Wainwright is a principal Army personnel processing center in Alaska, and incoming personnel are frequently required to report there before proceeding on to permanent assignments at other Alaskan posts of duty. It appears that it may have become a common practice for Army personnel to be given purported permanent change-of-station assignments to Fort Wainwright and then to be diverted to permanent duty at outlying posts after their arrival. The question is what allowances, if any, are payable to them to cover their out-of-pocket expenses for meals and lodgings during their brief delay en route at Fort Wainwright.

The temporary lodging allowance is an overseas station allowance authorized by statute, 37 U.S.C. § 405, and implementing provisions of paragraph M4303 of Volume 1, Joint Travel Regulations. Of relevance to this case, subparagraph M4303-1 of the regulations provides that temporary lodging allowances are payable for the purpose of partially reimbursing a service member for expenses incurred for temporary lodgings and meals when Government quarters are not available at the time of initial arrival at a permanent duty station overseas. Since the temporary lodging allowance so authorized by law and regulation is a permanent station allowance, it does not accrue until the arrival at the overseas permanent duty station. See 47 Comp. Gen. 724, 726 (1968), and 45 Comp. Gen. 689, 691 (1966).

In the present case, even though Sergeant Powell's orders originally designated Fort Wainwright as his permanent duty station, the circumstances demonstrate that he was instead assigned to that place simply for purposes of personnel processing and possible diversion to another Alaskan post for permanent duty. Hence, we do not regard his arrival at Fort Wainwright as constituting the completion of travel to a new permanent duty station, notwithstanding the designation contained in his original orders, because he was then in fact diverted to permanent duty elsewhere. Compare 33 Comp. Gen. 98 (1953). Thus, we agree that temporary lodging allowances are not payable for the expenses he incurred at Fort Wainwright, since he was still in a travel status during his brief stay there and had not yet arrived at Fort Richardson, where his actual permanent duty assignment was.

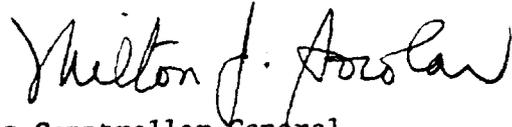
However, when a service member is in a travel status en route from one permanent duty station to another under orders, he is entitled to travel and transportation allowances, including a per diem allowance for quarters, meals, and incidental expenses. 37 U.S.C. § 404; 1 Joint Travel Regulations, subparagraph M4150-1. When permanent change-of-station travel is performed by Government transportation, or when transportation is furnished by the Government by common carrier, which was apparently the situation in this case, in the absence of circumstances not relevant here:

"* * * a per diem allowance for the time required to travel between permanent stations * * * is payable in accordance with Part E or F [Temporary Duty Allowances] * * * [These] provisions * * * are applicable to travel to and from personnel processing centers * * * in connection with a permanent change of station to or from the United States." 1 Joint Travel Regulations, paragraph 4152.

Hence, since Sergeant Powell's permanent duty station was Fort Richardson, the time he spent en route undergoing personnel processing at Fort Wainwright was a part of the time required for him to travel from his old duty station to his new duty station, and he is therefore entitled to per diem allowances at the prescribed rates for the necessary delay en route at Fort Wainwright.

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Thus, we conclude that Sergeant Powell is entitled, not to temporary lodging allowances, but to per diem allowances, for the period October 25 and 26, 1981, while he was at Fort Wainwright en route to his permanent duty station at Fort Richardson.

A handwritten signature in cursive script, reading "Milton J. Fowler".

Acting Comptroller General
of the United States