

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

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FILE: B-212338**DATE:** December 27, 1983**MATTER OF:** Shipment Overseas of Replacement Vehicles

DIGEST: Volume 1 of the Joint Travel Regulations may be amended to authorize shipment of a replacement vehicle for a member of a uniformed service stationed overseas for a protracted period when his vehicle becomes impractical to repair because of normal deterioration and wear. The law requires only that replacement became necessary for a reason beyond the control of the member and that replacement is in the interest of the United States.

May Volume 1 of the Joint Travel Regulations (1 JTR) be amended to authorize the shipment overseas at Government expense of a replacement vehicle for a member of the uniformed services whose privately owned vehicle becomes impractical to repair due to normal deterioration in cases where the member performs successive tours of duty overseas?¹ For the following reasons the regulation may be amended to authorize such a shipment.

The Acting Assistant Secretary points out that some members serve successive tours overseas. For example, there is a member currently stationed overseas who has been there since 1973. Under the current regulations no authority exists for the member to ship at Government expense to his overseas station, a vehicle to replace a vehicle which is no longer practical to operate because of normal deterioration. We have been asked whether we would object if the regulations are amended to authorize the shipment of a replacement vehicle at Government expense to a member's duty station overseas.

A member of the Armed Forces who is ordered to make a permanent change of station is entitled to the transportation at Government expense of one motor vehicle owned by him or his dependents to the new permanent duty station.

¹ This question was presented as a request for advance decision by the Acting Assistant Secretary of the Air Force for Manpower, Reserve Affairs and Installation and has been assigned PDTATAC Control No. 83-17 by the Per Diem, Travel and Transportation Allowance Committee.

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Additionally, when the Secretary concerned or his designee determines that a replacement for that motor vehicle is necessary for reasons beyond the control of the member and that replacement is in the interest of the United States, he may approve the transportation in advance of an additional motor vehicle for the member. See 10 U.S.C. § 2634.

Regulations dealing with replacement vehicles are found in 1 JTR paragraph M11006. That section provides that a replacement vehicle may be shipped at Government expense if a member's privately owned vehicle is lost or destroyed for reasons beyond the control of the member. Also, if the Secretary of the Service concerned or his designee determines in advance of the shipment that the replacement is necessary due to rapid deterioration of the vehicle due to severe climatic conditions or loss through fire, theft, or similar causes, and the cause was beyond the control of the member a replacement vehicle may be shipped at Government expense if shipment is in the best interest of the United States.

No provision is made for a vehicle which deteriorates or becomes impractical to repair because of age resulting from a member's successive tours of duty overseas. In this regard the law is less specific and merely authorizes shipment when the Secretary concerned determines that the replacement is necessary for reasons beyond that control of the member and that the replacement would be in the interest of the United States.

In circumstances where a member's vehicle deteriorates because of normal wear and is not replaced because of a protracted period of duty overseas, shipment of a replacement vehicle should be authorized since the reason for the deterioration of the vehicle would be beyond the control of the member. Accordingly, we have no objection to amending the regulation to authorize the shipment of the replacement vehicle, assuming realistic time periods are considered. See for example 5 U.S.C. § 5727, which provides a similar entitlement for civilian employees of the Government.

for *Harry D. Van Cleave*
Comptroller General
of the United States