

**DECISION**

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

**FILE:** B-216027

**DATE:** December 26, 1984

**MATTER OF:** Petty Officer Dennis Allen Lemke, USN

**DIGEST:**

A Navy member, detached from his permanent station, with orders to report directly to a patrol squadron deployed (temporary additional duty) ashore overseas, without first reporting to the unit's permanent station in California, is assigned Government quarters at the squadron's deployed site. He is not entitled to basic allowance for quarters, since 37 U.S.C. 403(f) precludes entitlement to basic allowance for quarters when a member performing temporary duty incident to a permanent change of station occupies Government quarters.

A disbursing officer of the Department of the Navy requests an advance decision<sup>1/</sup> on the question of whether Petty Officer Dennis Allen Lemke, USN, is entitled to a basic allowance for quarters at the without dependent rate while he is performing temporary duty incident to a permanent change of station and occupies Government quarters. We conclude that he is not entitled to the allowance.

By permanent change-of-station order A889-83, dated December 6, 1983, Petty Officer Lemke was detached from his permanent duty station at the Naval Air Station, Jacksonville, Florida, and directed to report, upon completion of temporary duty under instructions at Mayport, Jacksonville, to the commanding officer of Patrol Squadron VP-50, as port call directs. Although the squadron's permanent station (home port) was at the Naval Air Station, Moffett Field, California, it was deployed ashore at Misawa, Japan. Petty Officer Lemke, as instructed by the order, reported directly

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<sup>1/</sup> Disbursing Officer, Mr. R. B. Harr, Personnel Support Activity Detachment, Misawa, Japan, made the request. It was assigned submission number DO-N-1444, by Department of Defense Military Pay and Allowance Committee.

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to the squadron's deployed site in Japan, without first reporting for duty at the squadron's permanent duty station at Moffett Field, although he did visit Moffett Field in a leave status en route to Japan. His spouse, who is also a Navy member is stationed there, and is receiving basic allowance for quarters at the without dependent rate due to the nonavailability of Government quarters. Since his wife is a Navy member, he must be considered a member without dependents. See 37 U.S.C. 420.

While the squadron is deployed the members are considered to be in a temporary additional duty status. Although the squadron members are assigned to Government quarters while in this status, they continue to receive basic allowance for quarters. This includes members without dependents since they were not assigned Government quarters at their permanent station and as a result are entitled to the allowance.

On his arrival at the deployment location Petty Officer Lemke was assigned Government quarters. As a result the question arises as to whether Petty Officer Lemke can be credited with the allowance effective February 22, 1984 (the date he reported to Squadron VP-50) on the same basis as the other squadron members, even though he has not reported to the squadron's permanent duty station.

A member of a uniformed service who is entitled to basic pay is entitled to a basic allowance for quarters unless he is assigned to quarters of the United States appropriate to his grade, rank or rating and adequate for himself and his dependents if with dependents. See 37 U.S.C. 403(a) and (b). A member without dependents continues to receive a basic allowance for quarters while occupying Government quarters when he is on temporary duty or temporary additional duty if he is receiving the allowance at his permanent station. See Executive Order 11157, June 22, 1964, as amended, and Table 3-2-3, Rule 14, Department of Defense Military Pay and Allowances Entitlements Manual (DODPM).

A member without dependents who is in pay grade E-4 (4 or more years' service) or above is entitled to a basic allowance for quarters while he is in a travel or leave status between permanent duty stations when he is not

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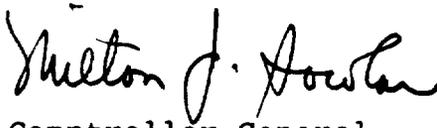
assigned quarters of the United States. See 37 U.S.C. 403(f) and Table 3-2-3, Rule 15, DODPM.

The members of the squadron without dependents, although occupying Government quarters while deployed continue to receive the allowance since they were not assigned Government quarters at the permanent station and were entitled to the allowance at that station.

Petty Officer Lemke, however, is not authorized the allowance since he has not reported to his permanent station, Moffett Field. Thus, his situation is controlled by 37 U.S.C. 403(f) which precludes a member performing temporary duty incident to a permanent change of station from receiving basic allowance for quarters if he occupies Government quarters.

Members entitled to basic allowance for quarters at their permanent stations may continue to receive the allowance during periods of temporary duty, since they continue to maintain their non-Government quarters during their absence from their permanent duty stations. Special Agent Michael W. Zigmund, OSI, USAF, B-199728, May 8, 1981.

Petty Officer Lemke did not report pursuant to orders to Moffett Field prior to the deployment, therefore, he was neither assigned quarters there, nor required to procure private quarters as a result of his orders. When he was assigned quarters at Misawa, 37 U.S.C. 403(f) precluded payment of the allowance there. Accordingly, payment of a basic allowance for quarters is not authorized.

*for*   
Comptroller General  
of the United States