

King, PLM #



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Colonel William F. Mattimore, USAF

File: B-221938

Date: February 3, 1987

DIGEST

1. An Air Force chaplain with no dependents assigned to family-type housing rather than to bachelor quarters upon a permanent change-of-station transfer is not entitled to a dislocation allowance, notwithstanding his belief that his assignment to family housing caused him to incur miscellaneous relocation expenses that should be reimbursed through payment of the allowance. The governing provisions of statute authorize payment of a dislocation allowance to transferred service members without dependents only if they are not assigned to government living quarters of any type at their new duty station.
2. The Joint Travel Regulations may not be revised to authorize the payment of a dislocation allowance to service couples, without dependents, assigned to government family quarters upon a permanent change-of-station transfer. Under the applicable statutes two active duty service members who are married cannot claim one another as dependents for allowance purposes. Therefore, both must be considered members without dependents and neither is entitled to a dislocation allowance when assigned to government quarters upon a permanent change-of-station transfer.

DECISION

This action is in response to a request for an advance decision regarding the propriety of paying a dislocation allowance to Colonel William F. Mattimore, an Air Force chaplain without dependents, who was assigned military family housing rather than bachelor quarters upon his permanent change-of-station transfer in August 1985 to Hanscom Air Force Base

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(AFB), Massachusetts.^{1/} In addition, the Per Diem, Travel and Transportation Allowance Committee presents the related general question of whether the Joint Travel Regulations may be revised to authorize the payment of a dislocation allowance to bachelor service members and service couples without dependents assigned to government family housing rather than to bachelor quarters upon a permanent change-of-station transfer. We are unable to conclude that Colonel Mattimore is entitled to payment or that the regulations may properly be so revised, since the governing provisions of statute preclude payment of a dislocation allowance to service members who have no dependents and who are assigned to government housing upon a permanent change-of-station transfer regardless of whether the assignment is to accommodations designated as family or bachelor quarters.

BACKGROUND

Payment of a dislocation allowance to members of the uniformed services is generally authorized under section 407 of title 37, United States Code, when a permanent change of station requires the disestablishment of a household in one place and the reestablishment of the household in another place. The purpose of the dislocation allowance is to provide service members with reimbursement for incidental expenses normally incurred in connection with the relocation of their households upon a permanent change of station. The dislocation allowance is paid in a fixed amount, however, and is not intended to be a reimbursement of actual, itemized miscellaneous relocation expenses incurred. See, generally, Major Richard C. Hulit, USMC (Retired), B-215096, November 21, 1984. The statute generally authorizes the allowance for all service members with dependents when the dependents are relocated as the result of a permanent change-of-station transfer, but provision is also made for payment to a member "without dependents, who is transferred to a permanent station where he is not assigned to quarters of the United States." 37 U.S.C. § 407(a).

Under permanent change-of-station orders Colonel William F. Mattimore, a bachelor chaplain, moved from Offutt AFB, Nebraska, to Hanscom AFB, Massachusetts, in August 1985. He was not assigned to bachelor quarters at Hanscom AFB but was

^{1/} The request for an advance decision was made by Lieutenant Colonel John W. Hasselquist, Comptroller and Director of Accounting and Finance, Hanscom AFB, Massachusetts. His request was approved by the Per Diem, Travel and Transportation Allowance Committee and has been assigned PDTATAC Control No. 86-3.

instead authorized assignment of on-base military family housing to enhance his ability to perform his professional and pastoral duties. He submitted a voucher claiming payment of a dislocation allowance to the Accounting and Finance Office at Hanscom AFB after he moved into his new living quarters there. In support of his claim he expressed the belief that he had incurred the same relocation expenses as are normally incurred by other personnel with dependents who are assigned military family housing.

In forwarding Colonel Mattimore's claim voucher for an advance decision concerning the propriety of approving it for payment, the responsible Air Force officials note that provisions of the Joint Travel Regulations which implement 37 U.S.C. § 407 authorize payment of the dislocation allowance to transferred service members who have no dependents only in situations when they are not assigned to government quarters at their new duty station. The officials state that, "Normally, this means a single military member who is not assigned unaccompanied bachelor-type Government quarters," and they suggest that the situation is unclear under the current regulations "when a single member is assigned Government married quarters."

In addition, the Per Diem, Travel and Transportation Allowance Committee questions whether the Joint Travel Regulations may be clarified or revised to authorize in express terms the payment of a dislocation allowance to bachelor service members and service couples without dependents when they are assigned to government family quarters upon a permanent change-of-station transfer. Concerning service couples, the Committee notes that when two active duty service members without dependents marry, they may not claim one another as a dependent for military allowance purposes because of the operation of 37 U.S.C. § 420, and consequently the regulations currently provide no express authority for payment of dislocation allowances to them when they are assigned to either bachelor- or family-type government quarters upon a permanent change-of-station transfer. The Committee also suggests that a perception of inequity may arise when service members without dependents are assigned to government family housing without an entitlement to a dislocation allowance, but their next-door neighbors receive the allowance because they have dependents in their households.

ANALYSIS AND CONCLUSION

Payment of a dislocation allowance to service members who have dependents and who are ordered to make a permanent

change-of-station transfer was first authorized by the Congress in the Career Incentive Act of 1955.^{2/} The legislative history of that Act contains the following statement concerning the purpose of the new allowance:

"The reason for the authorization for the dislocation allowance is the variety of nonreimbursable costs which are incurred in connection with the move of dependents on a permanent change of station. Such costs include the loss of deposit in rent on old quarters, the selling and depreciation of household goods, excess cost of food and lodging immediately prior to leaving the old station and after arriving at the new assignment, abandonment of unmarketable but completely depreciated household equipment which requires replacement at the new station and the purchase of new automobile tags."^{3/}

Although service members who have no dependents may incur some of these same additional miscellaneous expenses when making a permanent change-of-station move, the original 1955 legislation made no provision for payment of a dislocation allowance to them.

In 1967 the Congress amended 37 U.S.C. § 407 to authorize payment of a dislocation allowance to service members without dependents, but as indicated, the Congress restricted payment to those transferred to a permanent duty station where they are "not assigned to quarters of the United States."^{4/} The history of the amending legislation contains the following explanation concerning its purpose:

"* * * the dislocation allowance is presently authorized only for a member whose dependents make an authorized move. However, a member without dependents incurs the same general type of additional expenses when he is not furnished Government quarters at the new station as does a member with

^{2/} Public Law 20, § 2(12), 84th Cong., March 31, 1955, ch. 20, 69 Stat. 18, 21.

^{3/} S. Rep. No. 125, 84th Cong., 1st Sess., reprinted in 1955 U.S. Code Cong. & Ad. News 1839, 1855.

^{4/} Public Law 90-207, § 1(4), December 16, 1967, 81 Stat. 649, 651.

dependents. It is thus believed that the original intent of the dislocation allowance will be better served if the proposed legislation is enacted to provide an * * * allowance * * * for a member without dependents where Government quarters are not furnished at the new station."^{5/}

It thus appears that the Congress intended that the dislocation allowance be paid to service members without dependents only when they are not assigned government quarters at a new duty station. It may be that service members without dependents incur some of the miscellaneous relocation expenses which the dislocation allowance was designed to cover even when they are furnished with government quarters at a new permanent duty station. It may also be that they generally incur such expenses in greater amounts if they are furnished with family housing rather than with bachelor quarters at the new duty station, although the record before us does not demonstrate that this is so. We do not find these considerations relevant to the resolution of the issues presented here, however, since it is clear that the Congress did not intend under the provisions of 37 U.S.C. § 407 currently in effect to authorize a dislocation allowance in any amount to service members without dependents who are assigned to "quarters of the United States," in any circumstances, regardless of whether those quarters are designated as bachelor- or family-type housing.

Accordingly, since Colonel Mattimore had no dependents we cannot allow payment on his claim, and the voucher presented for decision may not be approved for payment and will be retained here.

In addition, as the Committee indicates, 37 U.S.C. § 420 prohibits service members married to service members from claiming each other as dependents for allowance purposes. Thus, we are unable to conclude that the Joint Travel Regulations may be amended in the manner suggested to authorize payment of a dislocation allowance to service couples who have no other dependents when they are assigned to Government quarters.

for 
Comptroller General
of the United States

^{5/} S. Rep. No. 808, 90th Cong., 1st Sess., reprinted in 1967 U.S. Code Cong. & Ad. News 2316, 2324.