



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Sergeant Sylvester Brooks, Jr., USAR - Per Diem
for Active Duty for Training
File: B-227783
Date: October 7, 1988

DIGEST

Member of the Army Reserve is not entitled to per diem for active duty for training when he changes his residence to the same location as his duty station prior to receiving active duty orders.

DECISION

We are asked to decide whether a member of the Army Reserve is entitled to per diem for a period of active duty when he changes his permanent place of residence to the duty station prior to reporting for duty.^{1/} For the following reasons the member is not entitled to per diem during the period he performed the active duty.

While residing in Madison, Wisconsin, Sergeant Sylvester Brooks, Jr., U.S. Army Reserve, received orders dated July 17, 1986, directing active duty in Akron, Ohio, with a reporting date of August 4, 1986. The tour of active duty was for 3 years. Sergeant Brooks resigned from his employment in Madison and filed a change of address form with the Postal Service listing his new address at his wife's residence in St. Louis, Missouri. He commenced travel from Madison on July 18, 1986, and drove to St. Louis to visit his wife and family. While in St. Louis he received an offer of employment in St. Louis from the Postal Service. He then requested cancellation of the long-term tour of active duty in Akron. He was then ordered to active duty for 82 days at the Army Personnel Center in

^{1/} The request for decision was made by the Finance and Accounting Office, Office of the Adjutant General, Department of the Army and was assigned Control No. 87-9 by the Per Diem, Travel and Transportation Allowance Committee.

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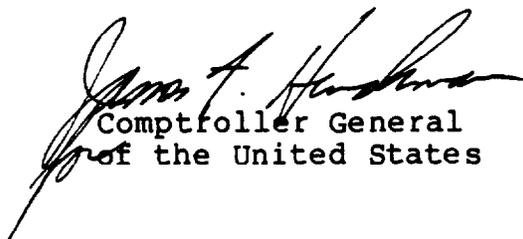
St. Louis commencing on August 11, 1986, by orders dated August 8, 1986. These orders were subsequently amended to 47 days with the same commencement date.

Sergeant Brooks is claiming per diem for this 47-day period of active duty on the basis that his place of residence continued to be Madison, Wisconsin, rather than St. Louis, Missouri. The Finance Officer is of the view that Sergeant Brooks's residence changed to St. Louis, Missouri, prior to the issuance of the orders directing his active duty in St. Louis.

Subsection 404(a) of title 37, United States Code, authorizes the payment of certain allowances to members of the Reserve components when away from home to perform active duty for short periods. Paragraph M6000 of Volume 1, Joint Travel Regulations, provides that a member is not entitled to per diem or actual expense allowance for duty when the member commutes daily from home or place from which ordered to active duty and his duty station.

All the orders Sergeant Brooks received were sent to his address in Madison. Presumably they were forwarded by the Postal Service to his address in St. Louis. Additionally, the application for active duty training dated August 6, 1986, submitted by Sergeant Brooks listed St. Louis, Missouri, as his permanent address and did not make reference to any other address. It was this application for active duty for training that resulted in the issuance of the orders of August 8, 1986, assigning him to the Army Personnel Center in St. Louis.

In light of these facts, we conclude that Sergeant Brooks's residence at the time he was ordered to active duty was St. Louis, Missouri. Accordingly, his claim for per diem during that period of active duty cannot be allowed.


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