



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

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B-177479

July 12, 1973

James E. Roscher
11350 Blue Ridge Boulevard
Kansas City, Missouri 64134

Dear Mr. Roscher:

We refer to your letter dated July 13, 1971, with enclosures, addressed to the Finance Center, U.S. Army in which you request review of the settlement dated April 30, 1971, of our Transportation and Claims Division which disallowed your claim for reimbursement for your wife's travel between Wailuku, Hawaii, and Dallas, Texas.

The record shows that upon your assignment to Vietnam in May 1969 you were in pay grade E-4 with less than 2 years of military service and thus not entitled, as provided in paragraph M7000-1 of the Joint Travel Regulations, to transportation of your wife at Government expense in connection with your change of permanent station. However, at personal expense your wife traveled to Hawaii which you state was her parents' residence. While in Vietnam you were promoted to pay grade E-5, making you eligible for transportation of dependents at Government expense when otherwise authorized.

On September 30, 1970, you were transferred from Vietnam to Oakland, California, via Hawaii, for release from active duty on October 9, 1970. Following your arrival at your home of record, Kansas City, Missouri, you arranged for your wife to travel by commercial means from Hawaii to Kansas City. Accordingly, she flew from Wailuku to Kansas City, with stopovers in Honolulu, Hawaii, and Dallas, Texas, between November 5 and 8, 1970.

On April 30, 1971, our Transportation and Claims Division concluded that you were entitled to reimbursement for your wife's travel between Dallas and Kansas City, but that you were not entitled to reimbursement for her transoceanic travel.

You have expressed the opinion that you should be reimbursed for the entire cost of your wife's travel as current travel regulations do not specifically provide for water travel between Hawaii and the continental United States. In any event, you appear to be of the opinion that you should be reimbursed for travel from the West Coast

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to Kansas City, and not just from Dallas to Kansas City, as you say that your wife did not first enter the United States at Dallas, having performed land travel as soon as her plane began to fly overland at the West Coast of the United States.

Paragraph M7009-1 of the Joint Travel Regulations provides that a member who is relieved from active duty is entitled to transportation of dependents not to exceed the entitlement from his last permanent duty station or place to which his dependents were last transported at Government expense to the place to which he elects to receive travel allowances under paragraph M4157 of the regulations. Paragraph M4157-1 indicates that a member may elect to receive travel allowances for travel to his home of record.

A limitation to allowances permitted by paragraph M7009 is shown in paragraph M7000-14. This section provides that a member is not entitled to transportation of a dependent at Government expense, upon a permanent change of station, for transoceanic travel or for overseas land transportation if under paragraph M4300-2, he is considered a member without dependents. Members in grades higher than E-4 are considered as "members without dependents" if their dependents do not reside in the vicinity of the member's duty station (item 2), or if their dependents are not authorized by the appropriate military commander to be present in the vicinity of the member's overseas duty station (item 4). Because Vietnam was a restricted area while you were stationed there, your wife was not authorized to be there nor was she present at your station. Therefore, you are considered to have been a member without dependents and thus not entitled to transoceanic transportation nor to overseas land transportation of your wife at Government expense.

Paragraph M1150-14 defines transoceanic travel as "all travel which, if performed by surface means of commercial transportation over a usually traveled route, would require the use of ocean-going vessels."

Under this definition, we have regarded travel between the State of Hawaii and the 48 contiguous states as transoceanic travel, and therefore subject to provisions of the Joint Travel Regulations regarding such travel. See decision 51 Comp. Gen. 362 (1971), copy enclosed.

If you had been in an eligible grade at the time of your transfer to Vietnam, you would have been entitled to reimbursement for your wife's travel only to the point of departure from the 48 contiguous

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states incident to her travel to Hawaii, and similar reimbursement for your return. Paragraph M7005, JTR. No reimbursement for the overseas transportation would have been authorized and, likewise, reimbursement for the travel of your wife from Hawaii to the United States is not authorized.

In decision B-175340, June 9, 1972, copy enclosed, incident to member's return from overseas for release from active duty, he was responsible for his dependents' overseas transportation from Tokyo, Japan, which was held to terminate at the actual aerial port of debarkation in the continental United States. Since the dependents debarked at New York City, New York, payment of a monetary allowance in lieu of transportation was limited to the distance from New York to Palmerton, Pennsylvania, the member's home of record.

Similarly, where a member entitled to transportation of dependents in accordance with paragraph M7000 is authorized a monetary allowance in lieu of transportation, paragraph M7003-3b(3) includes payment for the water or aerial port of debarkation actually used, to the new station.

Since your wife's aerial port of debarkation in the continental United States was Dallas, Texas, and you may not be reimbursed for overseas travel, your entitlement to mileage allowance for her transportation is limited to the distance from Dallas to your home of record, Kansas City, Missouri. While the overseas flight from Hawaii over part of the land area of the continental United States prior to arrival at Dallas, the fact remains that your wife's overseas travel terminates only upon arrival at Dallas.

Accordingly, the disallowance of your claim for additional reimbursement is sustained.

Sincerely yours,

PAUL G. DEMBLING

Comptroller General
of the United States