

## DECISION



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

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FILE: E-180666

DATE: JUL 18 1975

MATTER OF: Dependent transportation upon retirement -  
Sergeant Major , USA, Retired

- DIGEST:
1. Army member was transferred from Hawaii to Fort Devens, Massachusetts, for retirement. Member's dependents traveled at Government expense from Hawaii to San Francisco, California. After visiting his home of record at Winterport, Maine, member designated Ewa Beach, Hawaii, as home of selection for retirement purposes. Dependents then were transported from San Francisco to Hawaii at Government expense. There is no entitlement to dependant transportation from Hawaii to San Francisco, as member's assignment to a separation facility for retirement is not regarded as a permanent change of station but is temporary in nature, and there is no authority for dependant transportation to such facility.
  2. Army member was transferred from Hawaii to Fort Devens, Massachusetts, for retirement. Member's dependents traveled at Government expense from Hawaii, to San Francisco, California. After visiting his home of record at Winterport, Maine, member designated Ewa Beach, Hawaii, as home of selection for retirement purposes. Dependents were then transported from San Francisco to Hawaii at Government expense. There is no entitlement for dependant travel from San Francisco to Hawaii, as it was not required incident to member's selection of a home on retirement, since it was at the same location where member and his dependents resided prior to retirement.

This matter arises from a request for reconsideration of our Transportation and Claims Division determination of July 20, 1971, that Sergeant Major , U.S. Army, Retired, was not entitled to Government transportation for his wife and daughter from Honolulu, Hawaii, to San Francisco, California, and return, incident to his retirement from the U.S. Army on June 1, 1970.

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By Headquarters, Department of the Army, Special Orders Number 57, dated March 24, 1970, Sergeant Major [redacted] was placed on the retired list effective June 1, 1970. Sergeant Major [redacted] was transferred by Headquarters, United States Army, Pacific, Special Orders Number 64, dated March 25, 1970, from Fort Shafter, Hawaii, to Fort Devens, Massachusetts, with a reporting date of May 25, 1970, to be retired on June 1, 1970. The authorized place of retirement is stated to be U.S. Army Personnel Center, Oakland, California, with Fort Devens the requested place of retirement. The member's home of record is stated to be Winterport, Maine, but no home of selection, is indicated. The orders also state that concurrent travel for Sergeant Major [redacted] wife and daughter is authorized.

The member and his family departed from Hawaii on May 7, 1970, aboard the S.S. Lurline, at Government expense, arriving at San Francisco, California, on May 13, 1970. They arrived at Fort Devens on May 25, 1970. Upon retirement at Fort Devens, it appears that they traveled to Winterport, Maine, which Sergeant Major [redacted] had tentatively, but not officially, selected as his retirement home. Upon arriving there, certain events occurred which led the member to choose a retirement home in Hawaii instead of Winterport, Maine. Subsequently, Sergeant Major [redacted] and his family proceeded to San Francisco and sailed aboard the S.S. Maunakea on July 17, 1970, at Government expense. They arrived at Honolulu, Hawaii, on July 22, 1970, and traveled to [redacted], Ewa Beach, Hawaii, where they resided prior to departure from Hawaii. The member indicates that he designated Ewa Beach, Hawaii, as his home of selection for retirement purposes.

When Sergeant Major [redacted] pay record was reviewed by the Finance Center, U.S. Army, questions were raised concerning the mileage and per diem for him and the cost of the ocean passage to and from San Francisco for his wife and daughter. These questions were submitted to our Transportation and Claims Division for resolution. By statement accompanying voucher dated July 20, 1971, the Finance Center, U.S. Army, was advised that payment of the cost of dependent travel to and from San Francisco was not authorized. The total round-trip cost of dependents' ocean travel was \$1,260, and the net indebtedness was found to be \$1,199.52.

The member, in essence, contends that since his orders to a place of retirement in the continental United States provided for concurrent travel of dependents, he was entitled to their transportation from Hawaii to California, and upon selection of a home in Hawaii, upon retirement, he was entitled to their transportation at Government expense from California to Hawaii.

In accord with 37 U.S.C. § 406((1970), paragraph W7000-12 (now W7000-13), Volume I, Joint Travel Regulations (JTR), provides that members of the uniformed services are entitled to transportation of dependents at Government expense upon a permanent change of station for travel performed from the old station to the new permanent station or between points otherwise authorized, except for any travel of dependents to a place at which they do not intend to establish a residence. Travel expenses of dependents for pleasure trips or for purposes other than with intent to change the dependents' residence as authorized may not be considered as an obligation of the Government.

Paragraph W7010-1a, JTR, provides that a member on active duty who is placed on the retired list will be entitled to transportation of dependents from his last permanent duty station, or the place to which they were last transported at Government expense, to the home selected by the member for entitlement to travel and transportation allowances for his travel.

Where a member is completely detached from his overseas assignment and he is assigned to a location in the continental United States for the purpose of separation processing, in view of the character of the assignment and its limited duration, such assignment is regarded as temporary in nature. 33 Comp. Gen. 44((1973). An assignment in connection with separation processing clearly does not constitute a permanent change of station for which transportation of dependents is authorized. There is no authority for dependent travel to a separation facility. Decision B-173235, September 30, 1971.

Sergeant Major was assigned from Fort Shafter, Hawaii, to the transfer point at Fort Devens for the purpose of retirement processing. In such circumstances, this assignment afforded no entitlement to transportation of dependents to that location (nor to the appropriate place of retirement at Oakland, California). Apparently, the member was authorized dependent

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transportation to California because it appeared (especially since at his request retirement was to be at Fort Devens) that his home of selection would be in the continental United States, specifically at Winterport, Maine. In that event his dependents properly could be afforded transportation at Government expense to the continental United States.

Consequently, in accord with 1 JTR, paragraph M7010-1a, the only authority for dependent transportation was from the member's last permanent duty station, Fort Shafter, Hawaii, or Ewa Beach, Hawaii, to a home of selection at another location. Since the selected home was at Ewa Beach, no dependent travel to that location was required. Therefore, Sergeant Major [redacted] is not entitled to Government transportation of dependents incident to his retirement at Fort Devens, Massachusetts, or selection of a home upon retirement, at Ewa Beach, Hawaii. See decision B-181977 of this date.

While it is regrettable that unforeseen circumstances caused Sergeant Major [redacted] not to choose Winterport, Maine, as his home of selection as originally contemplated, and resulted in his return to his prior residence in Hawaii, such circumstances do not provide a legal basis for Government payment for dependent transportation.

Accordingly, Sergeant Major [redacted] properly is indebted to the United States for the cost of transportation afforded to his dependents in the described circumstances.

PAUL G. DEMBLING

For the  
Comptroller General  
of the United States