

**DECISION**

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

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JUL 18 1975

FILE: B-181977

DATE:

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MATTER OF:

Dependent transportation upon retirement -  
Colonel Harry J. Taylor, USA, Retired

DIGEST:

1. Military member traveled with his dependents from his last permanent duty station in Hawaii to a separation facility at Oakland, California, at Government expense. Upon retirement at Oakland member and dependents traveled back to Hawaii, to the same residence previously occupied. This travel also was at Government expense. There is no entitlement to dependent transportation from Hawaii to Oakland, as member's assignment to the separation facility is not regarded as a permanent change of station but is temporary in nature, and there is no authority for dependent transportation to a separation facility.
2. Military member traveled with his dependents from his last permanent duty station in Hawaii to a separation facility at Oakland, California, at Government expense. Upon retirement at Oakland member and dependents traveled back to Hawaii, to the same residence previously occupied. This travel also was at Government expense. There is no entitlement to dependent travel from Oakland to Hawaii, as it was not required incident to member's selection of a home on retirement, since it was the same location where the member and his dependents resided prior to retirement.

This is a request for reconsideration of the action taken by our Transportation and Claims Division on July 1, 1974, in determining that Colonel Harry J. Taylor, Jr., United States Army, Retired, is indebted to the United States in the amount of \$844.97 incident to his retirement from the Army, for the transportation of his dependents from Honolulu, Hawaii, to Oakland Army Base, Oakland, California, and return, at Government expense.

By Special Orders No. 162, dated August 21, 1972, Colonel Taylor was reassigned from his permanent duty station at Honolulu, Hawaii, to the U.S. Army Transfer Station, Oakland Army Base, Oakland, California,

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for separation processing on a "permanent change of station" with a reporting date of September 3, 1972 (this was later changed to September 6, 1972). Concurrent travel of dependents was authorized. Home of record and place of entry on active duty were shown as Chicago, Illinois. During the period August 25-30, 1972, the member along with his dependents traveled from Honolulu, Hawaii, to San Francisco, California, via Government procured transportation. Pursuant to Letter Orders No. D8-1043, dated August 21, 1972, the member was retired from active service by reason of disability and placed on the retired list effective September 7, 1972.

By Letter Orders No. 52-A-1, September 7, 1972, Colonel Taylor, in a retired status, was authorized to proceed to the destination indicated, Hawaii, for the purpose of establishing his residence upon retirement. Home of selection and completion of travel within one year, unless specific approval otherwise, was authorized. Also, concurrent travel of dependents was authorized. On September 10, 1972, the member and his dependents proceeded via Government transportation from Oakland Army Base to Honolulu returning to their former residence at 71 South Kalaheo Avenue, Kailua, Hawaii.

In his letter of July 23, 1974, Colonel Taylor indicates that he had been informed by his retirement advisor that he had the option of retiring at Schofield Barracks, Hawaii, or at Oakland Army Base, and that travel for himself and dependents would be authorized from the point of retirement to the designated location of permanent residence. According to the member, he chose Oakland for retirement because it afforded him the opportunity of examining living conditions and job opportunities in Southern California, his intended first choice for permanent residency, but since none of his job possibilities materialized, he chose Hawaii as his permanent residence. In such circumstances, Colonel Taylor expresses the opinion that he was entitled to dependent transportation at Government expense from Hawaii to Oakland, incident to his permanent change of station orders to the separation point, which provided for dependent transportation, and from Oakland to Hawaii by virtue of orders authorizing travel for himself and dependents to his home of selection.

Statutory authority for transportation of dependents of members of the uniformed services is contained in 37 U.S.C. § 406 (1970) which provides that transportation of dependents at Government expense upon a member's ordered change of permanent station shall be under such conditions and limitations, for such ranks, grades, or ratings, and to and from such places as the Secretaries concerned may prescribe.

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Paragraph M7000, Volume 1, Joint Travel Regulations (1 JTR), promulgated pursuant to this statute 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 in 1 JTR may not be considered an obligation of the Government (subparagraph 12, change 235, September 1, 1972, currently subparagraph 13). Paragraph M7010-1a, 1 JTR, provides that a member on active duty will be entitled to transportation of dependents from his last permanent duty station or place to which they were last transported at Government expense to the home selected by the member upon retirement.

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, even though the member's orders deem such transfer a "permanent change of station", such assignment is regarded as temporary in nature. 53 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-173236, September 30, 1971.

Colonel Taylor was assigned from overseas to the transfer station at Oakland Army Base effective on September 6, 1972, for the purpose of separation processing, and he was relieved from active duty on that day. In such circumstances, his assignment to that location although termed a "permanent change of station" is not so regarded so as to afford entitlement to dependent travel to that base. It seems that Colonel Taylor was authorized dependent travel incident to his assignment for separation at Oakland, California, because it appeared that his home of selection would be within the continental United States, in which event travel of dependents at Government expense would be authorized to such location.

Consequently, in accord with 1 JTR paragraph M7010-1a, the only authority for dependent transportation was from the member's

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last permanent duty station in Hawaii to a home of selection at another location. Since the member's home of selection was in Hawaii at the same location where he resided immediately prior to retirement, no dependent travel was required for such purpose. Therefore, in the absence of legal authority for dependent travel in these circumstances, the member was not entitled to dependent travel at Government expense from Kailua, Hawaii, to Oakland Army Base, Oakland, California, and return, and the cost to the Government for the travel is properly due the United States. See decision B-180666, of this date.

While it is regrettable that there may have been misunderstanding regarding the member's entitlement to dependent travel, such circumstances do not provide a legal basis for Government payment for such travel.

PAUL G. DEMBLING

for the

Comptroller General  
of the United States