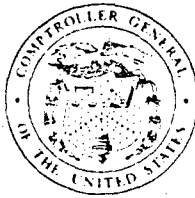


DECISION

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

50943

FILE: B-184289

DATE: SEP 16 1975

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MATTER OF: Dislocation allowance - Ensign James L. Brill, USN

DIGEST: The home port of vessel was changed and quarters aboard were declared to be uninhabitable due to reconstruction. Naval officer, without dependents, who had been quartered aboard vessel was required to obtain non-Government housing since other Government quarters were unavailable. The officer is not entitled to a dislocation allowance since for this purpose the permanent station of the officer is his ship, and not the home port, and the allowance is paid incident to a change of permanent station.

This action is in response to letter dated April 23, 1975, with enclosure, from the disbursing officer, U.S.S. Madell (DDG-24) requesting an advance decision as to whether Ensign James L. Brill, 951-68-4314, USN, is entitled to a dislocation allowance as a single member because he incurred certain expenses in connection with the change in home port of his ship from San Diego, California, to Long Beach, California, on January 23, 1975.

The request was forwarded to this Office by endorsement of the Per Diem, Travel and Transportation Allowance Committee dated June 23, 1975, and has been assigned PERIATAC Control No. 75-18.

The record indicates that on January 23, 1975, the home port of the U.S.S. Madell was changed from San Diego, California, to Long Beach Naval Shipyard, California. Upon arrival, quarters aboard the vessel were declared uninhabitable due to reconstruction, and alternate Government quarters were completely occupied and certified as not available. The member, who was attached to the Madell and who lived aboard as a single officer, was required to find non-Government housing. He incurred expenses including a security deposit and a cleaning deposit in connection with the rent of an apartment as well as other expenses associated with moving into private housing, and the disbursing officer indicates that there is a need for a dislocation allowance.

In endorsing the submission, the Chief of Naval Personnel referred to 48 Comp. Gen. 489, 485 (1969) as precluding a dislocation allowance when lodging accommodations are furnished under 10 U.S.C. 7572(a). However, doubt was expressed regarding entitlement to a dislocation

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allowance since under 10 U.S.C. 7572(b) the member is reimbursed for expenses incurred in obtaining quarters.

Section 407(a), title 37, United States Code (1970), provides in pertinent part that under regulations prescribed by the Secretary concerned, a member of a uniformed service, without dependents, who is transferred to a permanent station where he is not assigned to quarters of the United States, is entitled to a dislocation allowance equal to the basic allowance for quarters for one month as provided for a member of his pay grade and dependency status. Accordingly, paragraph 19003-1, item 2, Volume 1 of the Joint Travel Regulations provides that a member without dependents is entitled to a dislocation allowance whenever he is transferred to a permanent duty station where he is not assigned to Government quarters.

Section 411(a) of title 37, United States Code (1970), provides in pertinent part that for the administration of specified sections of that title, including section 407, the Secretary concerned shall define the words "permanent station." The definition shall include a shore station or the home yard or home port of a vessel to which a member of a uniformed service who is entitled to basic pay may be ordered. It provides further that an authorized change in the home yard or home port of such a vessel is a change of permanent station (section 411(d)).

Appendix J of Volume 1 of the Joint Travel Regulations, promulgated pursuant to section 411(d) of title 37, United States Code, defines a permanent station, in pertinent part, as the post of duty or official station, including a ship (for the purpose of personal travel and transportation of a member's personal effects located on board the ship) and the home port or home yard of a vessel or of a ship-based staff (insofar as transportation of dependents and shipment of household goods is concerned) to which a member is assigned or attached for duty other than "temporary duty" or "temporary additional duty."

Section 7572(a), title 10, United States Code (1970), provides that for certain members including members of the naval services who are on sea duty and who are deprived of their quarters on board ship because of repairs or other conditions that make their quarters uninhabitable, if public quarters are not available, the Secretary of the Navy may furnish lodging accommodations for such members. Subsection (b) thereof provides that under regulations prescribed

by the Secretary, any officer on sea duty who is deprived of his quarters on board ship for reasons stated in subsection (a), and who is not entitled to basic allowance for quarters, may be reimbursed for the expenses incurred in obtaining quarters, in an amount not more than the basic allowance for quarters of an officer of his grade, if it is impractical to furnish accommodations under subsection (a). In accord with the foregoing, paragraph 30215, Department of Defense Military Pay and Allowances Entitlements Manual provides for reimbursement of expenses incurred in obtaining quarters, not to exceed the applicable basic allowance for quarters, upon certification.

We held in 48 Comp. Gen. 480, 484 that:

" * * * as far as the member himself is concerned, the vessel is the permanent station or post of duty and, in the case of a member without dependents, his entitlement to a dislocation allowance is for determination on that basis."

We held in the same decision that a member would not be entitled to a dislocation allowance upon reporting to the off ship crew of a nuclear-powered submarine that has moved to a new port incident to a change of home port of that submarine, since "his duty station is the submarine, not the home port."

It was also held in 48 Comp. Gen. 480 at page 482, that an officer who reports to a vessel which is undergoing overhaul or repair at its home port making quarters aboard uninhabitable is entitled to a dislocation allowance if no lodgings are furnished under 10 U.S.C. 7572(a). Such entitlement is based on a change of permanent station and would be in addition to reimbursement for expenses incurred in obtaining quarters under 10 U.S.C. 7572(b). However, in the present case the change of home port of the U.S.S. Vedell did not constitute a change of permanent station for Ensign Brill. His permanent duty station remained the ship itself and his move into a private apartment resulted from the repair and overhaul of the ship, not from a change of station. Since a dislocation allowance is not allowable when an individual is required to move to private quarters as a result of ship repair or overhaul, the dislocation allowance is not payable. The question presented is answered accordingly.

It is noted further that as indicated in the submission, Ensign Brill may be provided reimbursement for the cost of obtaining

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quarters, including rent, the cost of utilities, and associated expenses, not to exceed the applicable basic allowance for quarters. We agree with the conclusion implied in the submission that security and cleaning deposits, as amounts generally refundable to the member upon rental termination, would not be properly considered as costs of obtaining quarters under section 7572(b).

R.F. KELLER

Deputy Comptroller General
of the United States