

DECISION

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

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FILE: B-185657

DATE: AUG 12 1976

MATTER OF: Major , U.S. Marine Corps.

DIGEST:

A member of the Armed Forces assigned to the United Nations Truce Supervision Organization who receives a mission subsistence allowance from the United Nations the purpose of which is to cover board and lodging expenses is not entitled to Family Separation Allowance, Type I (FSA-I). In accord with para. 30303, DODPM, to be entitled to FSA-I, Government quarters or housing facilities must not be available to the member, and this includes facilities furnished by foreign governments. Since mission subsistence allowance covers the cost of lodging it is considered to preclude payment of FSA-I.

This action is in response to a request for a decision dated October 8, 1975, from the Disbursing Officer, Special Accounts Branch, Central Military Pay Division, Marine Corps Finance Center, Kansas City, Missouri 64197, concerning the entitlement of Major , U.S. Marine Corps, to Family Separation Allowance, Type I (FSA-I), while in receipt of a mission subsistence allowance from the United Nations. The request has been approved by the Department of Defense Military Pay and Allowance Committee and assigned Control Number DO-MC-1248.

Major was assigned to the United Nations Truce Supervision Organization (UNTSO) in Palestine, but transportation of the member's dependents was not authorized in connection with that assignment. Further, Government quarters are not provided in kind or otherwise assigned except for the days when the member is on "observer" duty in which case he is provided living quarters by the United Nations in "caravans."

During the period of assignment to UNTSO, Major receives a mission subsistence allowance in the amount of \$16.50 per day from the United Nations. In a publication dated January 1975 entitled "NOTES FOR THE GUIDANCE OF MILITARY

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OBSERVERS ON APPOINTMENT", paragraph 81, entitled "Living accommodation", contains the following statement:

"A fair selection of living accommodation is available in all the major cities and towns in the mission area. It includes hotels, furnished and unfurnished apartments, and pensions. While rents and prices of hotel rooms vary from place to place and depend upon the quality of the accommodation provided, the subsistence allowance (per diem) paid to observers by the United Nations is sufficient to cover good board and lodging. * * *"

Paragraph 99 entitled "Mission subsistence allowance" states:

"This allowance is designed to cover board and lodging expenses plus incidentals, and constitutes the entire United Nations financial liability towards lodging and board expenses for the personal requirements of the observer. This includes all expenses incidental to housing and food which the observer may feel are necessary for him personally to complement the facilities put at his disposal."

Thus, the mission subsistence allowance is designed to be adequate for the additional expenses a member would accrue while performing duty with UNTSO. In support of the adequacy of the allowance paid, the Marine Corps has provided a statement of allowances paid members on duty in Tel Aviv in similar circumstances when not attached to the United Nations. That statement shows that the mission subsistence allowance covers living costs as they would be reimbursed under applicable regulations.

The purpose of FSA-I as stated in "Department of Defense Military Pay and Allowances Entitlements Manual" (DODPM) paragraph 30303, is to pay a member for added expenses for his housing caused by enforced separation from his dependents. It applies when he must maintain a home for his dependents and one for himself.

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Sub. 30303
Subsection a of the above paragraph provides that FSA-I is payable to a member with dependents who is on permanent duty outside the United States or in Alaska who meets all of the stated conditions. One of these conditions is that "Government quarters or housing facilities (as defined in the Glossary of Terms) are not available for assignment to" the member.

The Glossary of Terms, attachment I, DODPM, provides that "Government Quarters or Housing Facilities" includes "any sleeping or housing facilities furnished by a foreign government on behalf of the US Government."

Inasmuch as the mission subsistence allowance is paid for the express purpose of covering, and apparently does cover, lodging expenses the member will incur while assigned to UNESCO, payment of such allowance must be considered as furnishing of sleeping or housing facilities. Also the United Nations though not a single foreign government must be considered as being covered by that term as used in that regulation.

Accordingly, since the member does not meet all the conditions set forth in paragraph 30303, DODPM, he is not entitled to FSA-I.

R.F.KELLER

Deputy, Comptroller General
of the United States