

**DECISION**



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

FILE: B-186250

DATE: NOV 4 1976

MATTER OF: Major

, MC, USAR

**DIGEST:** Member was advised of cancellation of temporary duty orders to attend pediatrics course in Hollywood Beach, Florida, prior to his travel there but after having paid registration fee. He may not be reimbursed for travel costs incurred in attending said course during administrative absence nor may he be reimbursed for registration fee absent showing fee would have been forfeited had he not attended course.

This action is in response to a letter dated February 18, 1976, from Major MC, USAR, appealing the disallowance by the Claims Division of this Office of his claim for reimbursement for travel expenses incurred incident to his attendance at a professional postgraduate course in pediatrics in Hollywood Beach, Florida.

The record shows that Order Number LO 12-5 dated December 3, 1974, authorized round-trip common carrier air transport from Fort Dix, New Jersey, to Hollywood Beach, Florida, and return, and reimbursement for registration fee to enable the member to perform 7 days' temporary duty beginning January 18, 1975, for the purpose of attending a professional course in pediatrics being held in Hollywood Beach, Florida. Travel advances totaling \$250 were paid to the member on December 3, 1974. By personal check dated December 10, 1974, the member secured his attendance at the pediatrics course by paying the \$125 registration fee. A Government transportation request was issued to the member at Fort Dix on January 7, 1975, to procure the round-trip air transportation.

The record further indicates that due to a cutback of available funds, the member's temporary duty orders were cancelled by verbal order of the commanding officer on January 7, 1975. The cancellation was subsequently confirmed in writing on March 5, 1975, and March 19, 1975, by Letter Orders Numbers 2-14 and 3-4, respectively. The member indicates that termination of

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temporary duty funds was "removed" on January 6, 1975, at Fort Dix and that on January 8, 1975, he was notified that his temporary duty was cancelled, although he was advised that he could "appeal the case." He indicates that on January 13, 1975, he was advised by an officer in the Office of the Surgeon General to make every effort to reclaim his money and to cancel the transportation request. The member cancelled the transportation request on January 15, 1975, and at his request was given special orders dated January 16, 1975, granting him administrative absence for 7 days effective January 18, 1975, to attend the course. He used the travel advances and his own funds for expenses.

The record shows that in March 1975, the member filed a claim with the Army for the expenses he incurred in attending the course (\$142.73 air fare, \$125 registration, and \$25 in ground transportation between the airports and his home or hotel). The Army Finance Support Agency forwarded the claim to our Claims Division as being doubtful since the member's travel orders were revoked after payment of the registration fees by the member.

By settlement dated February 13, 1976, the claim was disallowed by our Claims Division on the basis that under 37 U.S.C. 404 (1970) and paragraph M3000, 1 Joint Travel Regulations (1 JTR), no reimbursement for travel is authorized unless either written or verbal orders have been issued therefor. It was noted that prior to the member's travel he had been properly notified his orders had been revoked.

In his letter appealing the disallowance of his claim the member indicates that while locally funded temporary duty travel was cancelled at Fort Dix on January 6, 1975, his travel was funded by the Surgeon General's Office. He indicates that Fort Dix personnel were notified on January 7 of cutbacks in travel funded by the Surgeon General's Office but as of January 10, based on a conversation he had with officers in the Surgeon General's Office, it appeared to him that his travel had not been cancelled. He states that he did not receive "definitive" revocation of his orders until January 13, 1975, and he indicates that by that time he had registered for the course and had made hotel reservations and personal and professional appointments for which he was obligated so he had little choice but to make the trip.

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Members of the uniformed services are entitled to travel and transportation allowances for travel performed "under orders." 37 U.S.C. 404(a) (1970) and 1 JTR, paragraph M3000. Paragraph M3002, 1 JTR, mandates the issuance of written orders by competent authority as a condition precedent to reimbursement of expenses incident to travel. The member's written orders which would have fulfilled this requirement were verbally revoked by the commanding officer on January 7, 1975, and orders for administrative absence were substituted for them on January 16, 1975.

The Army Regulations in effect during the period in question, AR 630-5, dated December 29, 1969, provided in paragraph 11-1:

"Administrative absence \* \* \* is an authorized absence from post or place of duty for the purpose of attending or participating in activities of a semiofficial nature. This constitutes duty of the type described in paragraph 6453, Joint Travel Regulations. Such absence may be authorized only in the interest of the service and provided that no expense to the Government is involved. \* \* \*" (Emphasis added.)

Paragraph M6453, 1 JTR, provides as follows:

"An order permitting a member to travel as distinguished from directing a member to travel does not entitle him to expenses of travel."

Although, as the member states, due to confusion and misunderstanding concerning cancellation of travel funds, he may not have received definite notice that his temporary duty orders were cancelled until January 13, 1975, that was 5 days prior to the date he was scheduled to begin travel. It also appears that he was aware at the time he performed the travel that he probably would not be reimbursed. In any event since the member's orders were cancelled and he was notified of their cancellation prior to the date he began the travel, there is no authority for payment of travel and transportation allowances to him.

Concerning the \$125 registration fee, it is clear that the original orders contemplated the member paying such fee subject

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to reimbursement. With the exception of a brief statement in the member's submission accompanying his claim that he complied with advice given to him to make every effort to reclaim his money, we have no evidence that the registration fee would not have been refunded had the member cancelled his plans to attend the course. However, should he submit evidence showing that a refund of the registration fee would not have been made even if he had cancelled his attendance on or about January 13, 1975, we will give further consideration to that portion of his claim. Compare B-185375, April 29, 1976.

Accordingly, based on the information now before us, the claim may not be allowed and, therefore, the Claims Division settlement is sustained.

R. F. Keller  
Comptroller General  
of the United States

TRAVEL EXPENSES  
Military personnel  
Leaves of absence  
Temporary duty termination

TRAVEL EXPENSES  
Military personnel  
Temporary duty  
Cancellation  
Leave travel status

ORDERS  
Canceled, revoked, <sup>or</sup> modified  
Losses incurred by reason of changed orders  
Travel expenses

FEEES  
Registration  
Forfeited  
Reimbursement