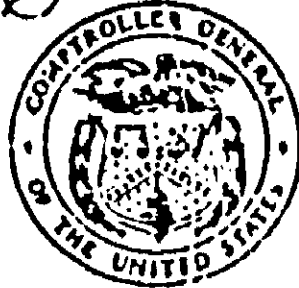


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DECISION



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

FILE: B-202964

DATE: February 23, 1982

MATTER OF: Dependent's Local Transportation Expenses
for Outpatient Medical Care

DIGEST: Pursuant to 10 U.S.C. § 1040(a), dependents residing with members of the uniformed services stationed outside the United States are entitled to transportation to the nearest appropriate medical facility at Government expense when adequate care is not available in the locality. The statute's legislative history indicates a congressional intent to allow reimbursement of all transportation expenses necessary under the circumstances. Therefore, the Joint Travel Regulations may be amended to allow reimbursement for actual expense of local transportation of a dependent receiving outpatient medical care outside the locality of the member's duty station when such care is determined to be medically necessary.

We have been asked whether Volume 1 of the Joint Travel Regulations (1 JTR), paragraph M7108, may be amended to authorize reimbursement for the local transportation of dependents who have been transported from the member's overseas duty station to a location where adequate medical care is available and are receiving outpatient medical care at that location. The regulation may be amended in accordance with this decision.

The question was presented in a letter dated March 4, 1981, from the Acting Assistant Secretary of the Army (Manpower and Reserve Affairs), which was assigned Control No. 81-10 by the Per Diem, Travel and Transportation Allowance Committee.

Under 10 U.S.C. § 1040(a) (1976), transportation at the expense of the United States is authorized to the nearest appropriate medical facility in which adequate medical care is available for a dependent who is residing with a member of the uniformed services stationed outside of the United States on active duty for more than 30 days, and who requires medical attention which is not available in that locality. The dependent may also be transported

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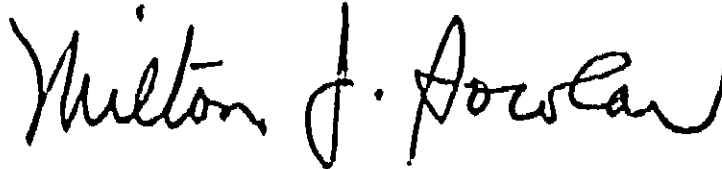
at Government expense from the medical facility back to the member's duty station or such other place as may be determined to be appropriate under the circumstances. Also, transportation and travel expenses may be furnished to attendants where a dependent is unable to travel unattended.

Paragraph M7108, 1 JTR, promulgated pursuant to 10 U.S.C. § 1040, substantially mirrors the provisions of the statute itself. The regulations do not provide for reimbursement of any expenses incurred by a dependent other than transportation to and from the medical facility. The question is whether paragraph M7108 may be amended to allow reimbursement of the cost of rental cars or taxicabs, or other transportation required to transport the dependent between the carrier terminal, the medical facility, and the dependent's place of lodging, when a dependent is receiving outpatient care at a medical facility outside the locality of the member's duty station.

Section 1040 was added to title 10, United States Code, by Public Law 89-140, August 28, 1965, 79 Stat. 579, in order to ensure access to adequate medical care for all dependents accompanying members of the uniformed services at their duty stations outside the United States, and to remedy the financial hardship placed upon a member by the cost of transportation in those situations. In 47 Comp. Gen. 743 (1968), we interpreted the phrase "transportation at the expense of the United States," contained in 10 U.S.C. § 1040, when viewed in light of the legislative history of the act, as indicating a purpose to provide transportation of dependents between medical facilities at no expense to the members or dependents. The legislative history of the law does not specifically mention the case of outpatient care as presented here. However, there are indications that reimbursement for all of the dependent's transportation expenses necessary to obtain proper medical treatment not available in the locality of the member's duty station was intended. Thus, it is our view that in the case of outpatient care, necessary expenses for transportation to and from the hospital would fall within the purview of section 1040(a), if a determination is made by the proper medical authorities that such care is necessary.

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Accordingly, we have no objection to an amendment to 1 JTR, paragraph M7108, which would authorize payment of local transportation costs in the described circumstances. Of course, only actual costs may be reimbursed; commuted payments, such as mileage allowances, may not be made. 47 Comp. Gen. 743 (1968).

for 
Comptroller General
of the United States