



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Crew of the USS San Jacinto - Claim for Family Separation Allowance

File: B-237554

Date: November 2, 1990

DIGEST

Navy personnel who served on duty on board a ship for a continuous period of more than 30 days at a site away from its home port are entitled by statute to a Family Separation Allowance for ship duty (FSA-S). The fact that they had been receiving an allowance for temporary duty away from their duty station (FSA-T), which also has a 30-day requirement, while preparing the ship to be commissioned, does not alter their statutory entitlement.

DECISION

This is in response to a request from the Disbursing Officer of the USS San Jacinto regarding the entitlement of 51 crew members of the ship to Family Separation Allowance (FSA). For the reasons presented below, the crew members are entitled to FSA, in the amount of \$44 each, for the period in question.

The home port of the USS San Jacinto is Norfolk, Virginia. Before it was commissioned, the ship was in Pascagoula, Mississippi. The 51 crew members involved here arrived at the ship on temporary duty at various times and were receiving FSA for temporary duty (FSA-T) as they prepared the ship to be commissioned. On January 8, 1988, the ship was commissioned and went into special status, i.e., in neither active nor inactive status. The crew remained on the ship and continued to receive FSA-T until the ship returned to its home port on January 30.


Navy auditors later determined that FSA-T should have terminated when the temporary "precommissioning" unit was inactivated on January 8. They reasoned that because the temporary duty technically had ended, any FSA paid from January 8-30 would have to be FSA for duty on a ship (FSA-S), and that FSA-S was not authorized because the ship returned to its home port within 30 days after January 8.

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The type of FSA under discussion here is governed by 37 U.S.C. § 427(b). An otherwise qualified member is entitled to FSA-S if he is "on duty on board a ship away from the [ship's] home port" for a continuous period of more than 30 days, 37 U.S.C. § 427(b)(1)(B), or to FSA-T if he is "on temporary duty away from his permanent station" for a continuous period of 30 days so long as his dependents do not reside at or near his temporary duty station, 37 U.S.C. § 427(b)(1)(C). The purpose of FSA is to reimburse a member for the extra costs to his family of maintaining a home in his absence, e.g., home repairs, auto maintenance, etc. See S. Rep. No. 387, 88th Cong., 1st Sess. 25. The statute, which is implemented by the Department of Defense Pay and Allowances Entitlements Manual, para. 30304, sets the amount payable for either FSA at \$60 per month.

The crew of the USS San Jacinto was on board ship for more than 30 days, so they qualified for FSA-S according to the language of 37 U.S.C. § 427(b)(1)(B). The fact that the Navy designated the \$60-per-month allowance the crew was receiving as FSA-T does not, in our view, change the crew's statutory entitlement. In this respect, in view of the purpose of a family separation allowance, we do not think it reasonable in any case to require the crew, having already met the 30-day requirement for FSA-T, to independently meet the one for FSA-S after January 8. The fact is that the crew's circumstances remained the same, that is, they were continuing on duty on board a ship that was still away from its home port, and they were still separated from their families. See 43 Comp. Gen. 332 (1963).

Accordingly, the crew members are entitled to FSA-S from January 8-30, 1988, if they were otherwise qualified to receive it.

for 
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of the United States