Military Personnel Law Manual

Title II—Travel
Foreword

This is Title II of the Second Edition of the Military Personnel Law Manual. The Manual is prepared by the Office of General Counsel, U.S. General Accounting Office (GAO). The purpose of the Manual is to present the legal entitlements of members of the uniformed services including an overview of the statutes and regulations which give rise to those entitlements, in the following areas: Title I—Active Duty Pay and Allowances; Title II—Travel; Title III—Retired Pay, Separation Payments, and Death Benefits; and Title IV—Survivor Benefit Plan.

This edition of the Military Personnel Law Manual is being published in loose leaf style with the introduction and four titles separately wrapped. The Manual generally reflects decisions of this Office issued through September 30, 1992. The material in the Manual is, of course, subject to revision by statute or through the decision-making process. Accordingly, this Manual should be considered as a general guide only and should not be cited as an independent source of legal authority. This Manual supersedes the edition of the Military Personnel Law Manual which was published in June 1983 with revised pages issued May 1985, covering decisions through December 31, 1984.

We plan to issue regular supplements to be filed with this edition of the Military Personnel Law Manual. As always, we would welcome any comments that you may have regarding any aspect of the Manual.

Robert P. Murphy
General Counsel
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<td>active duty training</td>
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<td>AF</td>
<td>Air Force</td>
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<td>AUS</td>
<td>Army of the United States</td>
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<td>Air Force Regulation</td>
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<td>BAS</td>
<td>basic allowance for subsistence</td>
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<td>BAQ</td>
<td>basic allowance for quarters</td>
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<td>cf.</td>
<td>compare</td>
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<td>ch.</td>
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<td>CIA</td>
<td>Central Intelligence Agency</td>
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<td>CMA</td>
<td>Court of Military Appeals</td>
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<td>COC</td>
<td>Office of the Comptroller of the Currency</td>
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<td>COLA</td>
<td>cost of living allowance</td>
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<td>Decisions of the Comptroller General of the United States (published volumes)</td>
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<td>CONUS</td>
<td>the continental United States</td>
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<td>Dependency and Indemnity Compensation</td>
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<td>Do-It-Yourself</td>
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<td>dislocation allowance</td>
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<td>DOD</td>
<td>Department of Defense</td>
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<td>FDIC</td>
<td>Federal Deposit Insurance Corporation</td>
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<td>family separation allowance</td>
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<td>General Accounting Office</td>
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<td>government transportation request</td>
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<td>Abbreviation</td>
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<td>household effects</td>
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<td>household goods</td>
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<td>HPSP</td>
<td>Health Profession's Scholarship Program</td>
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<td>IHA</td>
<td>interim housing allowance</td>
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<td>JFTR</td>
<td>Joint Federal Travel Regulations, Vol. 1 (formerly Joint Travel Regulations, Vol. 1)</td>
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<td>JROTC</td>
<td>Junior Reserve Officers' Training Corps</td>
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<td>LWOP</td>
<td>leave without pay</td>
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<td>MADCOP</td>
<td>Marine Corps Associate Degree Completion Program</td>
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<td>MH</td>
<td>mobile home</td>
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<td>MIA</td>
<td>missing in action</td>
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<td>MOS</td>
<td>military occupational specialty</td>
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<td>Military Personnel Manual</td>
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<td>MSC</td>
<td>military sea command</td>
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<td>MVTA2</td>
<td>multiple unit training assembly-two</td>
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<td>NAAA</td>
<td>Naval Academy Athletic Association</td>
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<td>North Atlantic Treaty Organization</td>
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<td>NROTC</td>
<td>Navy Reserve Officers' Training Corps</td>
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<td>OCS</td>
<td>Officer Candidate School</td>
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<td>para</td>
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<td>PCS</td>
<td>permanent change of station</td>
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<td>PDTATAC</td>
<td>Per Diem Travel and Transportation Allowance Committee</td>
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<td>PHS</td>
<td>Public Health Service</td>
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<td>POV</td>
<td>privately owned vehicle</td>
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<td>Public Law Number</td>
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<td>ROTC</td>
<td>Reserve Officers Training Corps</td>
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<td>RSFPP</td>
<td>Retired Serviceman's Family Protection Plan</td>
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<td>SBP</td>
<td>survivor Benefit Plan</td>
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<td>SRB</td>
<td>selective reenlistment bonus</td>
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<td>SROTC</td>
<td>senior Reserve Officers' Training Corps</td>
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<td>Stat.</td>
<td>statutes at Large</td>
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<td>TAD</td>
<td>temporary additional duty</td>
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<td>&quot;TAPER&quot; appointment</td>
<td>temporary appointment pending establishment of a register</td>
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<td>TDRL</td>
<td>Temporary Disability Retired List</td>
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<td>temporary duty</td>
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<td>temporary lodging allowance</td>
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<td>Description</td>
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<td>Uniform Code of Military Justice</td>
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<td>United States Marine Corps</td>
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<td>USSDP</td>
<td>Uniform Service Savings Deposit Program</td>
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<td>VA</td>
<td>Veterans Administration (now Department of Veterans Affairs)</td>
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<td>VHA</td>
<td>variable housing allowance</td>
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<td>vol.</td>
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<td>VIP</td>
<td>variable incentive pay</td>
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Chapter 1

Members' Basic Entitlement to Travel

Subchapter I—Orders

Requirement

A. General Rule

The right of military personnel to reimbursement of travel expenses and the extent of such reimbursement is dependent upon the performance of official travel directed by competent orders. B-175211, Mar. 31, 1972; B-182803, Oct. 24, 1975.

B. Member's Request to Waive Directed Travel Expenses

A military member's waiver of his entitlement to transportation allowances incident to his attendance at a training course is ineffective where the travel was directed by the service and not permissive. While the Joint Travel Regulations make provision for elimination of or reduction in per diem under certain conditions, no provision is made for waiving the transportation allowances in such case. The member was directed to travel on temporary duty and he is entitled to be reimbursed for his airfare to attend the training. B-221201, July 10, 1986.

C. Travel Status

1. Member at permanent station

a. Without travel orders

Service members not in a travel status, and acting on their own volition, incurred personal expenses for meals and lodgings incident to their military duties at their permanent duty station during a snowstorm and seek reimbursement. The entitlement of members of the armed services to be so reimbursed for expenses incident to their military service is contained in title 37, United States Code. In the absence of specific authorization, there is no legal basis upon which this Office may authorize reimbursement. B-194499, Oct. 31, 1979.

b. Emergency orders to vacate quarters

Because of imminent danger of a natural gas explosion, a military installation commander responsible for protection of personnel and facilities, ordered two Army officers and their families to vacate government family housing. Claims for reimbursement of the reasonable costs of motel lodgings necessarily incurred as a result of that order may be paid from the installation's operation and maintenance funds, since
those costs were directly related to the commander's orders and the proper administration of the installation. B-213293, Dec. 7, 1983.

2. **TDY canceled after travel under orders begins**

A service member was ordered on TDY via Fly-It-Yourself rental aircraft. Several hours after departure, he was forced to return to the starting point due to inclement weather without reaching the TDY station. Although 1 JTR states a requirement that to be in a travel status the travel must be pursuant to orders which require a landing be made away from starting point, the member in this case is considered in a travel status since the travel orders provide for such a landing point and the travel was properly begun. A travel status existed, even though the outward bound portion of the journey was not completed. B-203356, Feb. 9, 1982.

3. **Member not in temporary duty status**

A service member ordered on a permanent change of station subsequently was issued temporary duty orders to attend a training course at the new permanent duty station just prior to reporting for his permanent assignment. Per diem and mileage allowance may not be paid for the period of temporary duty since the permanent transfer was effective when he reported for temporary duty thus, the member was not in a travel status performing travel away from his designated post of duty. B-216465, May 22, 1985.

**D. Competency**

1. **Verbal orders**

A verbal order given in advance of travel and subsequently confirmed in writing giving the date of the verbal order and approved by competent authority will meet the requirements for written orders. Written order confirming verbal orders, together with evidence showing that an emergency prevented the issuance of written orders may be accepted only if the written confirmatory orders, fully substantiated, are issued within a reasonable time thereafter. 43 Comp. Gen. 50, 43 Comp. Gen. 281 (1963); B-180646, Sept. 3, 1974; 52 Comp. Gen. 236 (1972). 59 Comp. Gen. 397, 401-402 (1980); B-208346, Nov. 9, 1982; B-203623, Mar. 23, 1982.

Verbal travel orders were issued to an Army reservist for active duty training in a marksmanship program. Written orders, published 1 year after performance of travel, purporting to confirm verbal orders, cannot
support claims for reimbursement of travel expenses, in the absence of an adequate explanation for the 1-year delay in publication. A mere statement provided 3 years later that the delay was the result of intercommand technical difficulties does not satisfy the explanation requirement. B-215683, Dec. 27, 1984.

2. Travel required by duty assignment

Member of the Marine Corps traveled from his home in Springfield, Virginia, to Quantico, Virginia, in order to perform temporary duty. Member traveled without written temporary duty travel orders issued in advance. Although 37 U.S.C. § 404 requires travel to be authorized by written orders the fact that the travel was required by the member’s duty assignment and that his travel was subsequently approved in writing by competent authority as being advantageous to the government is sufficient to authorize his travel and entitle him to reimbursement under 37 U.S.C. § 404. 59 Comp. Gen. 397 (1980).

3. Alert notice

An alert notice does not conform to the requirements of a competent change-of-station order. 46 Comp. Gen. 133 (1966).

4. De facto officer traveled without orders

An applicant for a commission in the Public Health Service (PHS), began performing the duties of a commissioned officer on July 1, 1977, prior to his being found fully qualified, and appointed as an officer effective July 12, 1977, by official personnel order. While he may be paid pay as a de facto officer for the period July 1-11, 1977, he is not entitled to allowances for travel performed without orders. B-192116, Nov. 24, 1978.

5. Statutory limitations

It is a fundamental rule that provisions of travel orders which do not conform to the applicable statutes and regulations are ineffective and cannot create an otherwise unauthorized entitlement to travel allowances. Thus, a Marine Corps sergeant may not be paid travel allowances for travel to escort his son for medical treatment from their residence in Cherry Point, North Carolina, to a hospital in Portsmouth, Virginia, since the governing provisions of the statute and regulations do not allow such escort travel to be undertaken at public expense. B-217948, Sept. 17, 1984.
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6. Statutes and regulations in effect at time of travel

The travel and transportation entitlements of members of the uniformed services are for computation under the statutes and regulations in effect at the time the travel is performed. Generally if the applicable statutes and regulations are amended after the issuance of orders but before the completion of travel, no retroactive modification of travel orders would be involved, and instead the orders would be automatically brought into conformity with the statutes and regulations at the time of their amendment. B-219958, Sept. 26, 1996.

E. Modification of Orders
After Travel Performed

1. In general

It is a well established rule that legal rights and liabilities with regard to travel allowances vest as and when travel is performed under orders and that such orders may not be revoked or modified retroactively so as to increase or decrease the rights which have accrued or become fixed, after the travel has already been performed. An exception to this rule has been recognized when an error is apparent on the face of the original orders, or all facts and circumstances surrounding the issuance of such orders clearly demonstrate that some provision which was previously determined and definitely intended had been omitted through error of inadvertence in preparing the orders. 23 Comp. Gen. 713 (1944); 24 Comp. Gen. 439 (1944); 37 Comp. Gen. 627 (1958); 37 Comp. Gen. 683 (1958); 44 Comp. Gen. 405 (1965); 48 Comp. Gen. 119 (1968); 51 Comp. Gen. 736 (1972); 55 Comp. Gen. 1241 (1976); B-199464, Aug. 29, 1980; B-203623, Mar. 23, 1982; 63 Comp. Gen. 4 (1983).

2. Determination of "inadvertence" after orders executed

Former commissioned officer of Public Health Service who requested separation from the service in abrogation of his agreement to serve a specified period after being trained at government expense and who was advised that he would be divested of travel and transportation allowance benefits to home on separation, may not have separation orders amended retroactively to authorize reimbursement for these expenses, on the basis of a subsequent administrative determination that his separation had been "inadvertent." B-186036, Jan. 26, 1977.
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3. Error at time orders prepared clearly demonstrated

The separation orders of a Public Health Service officer, released from active duty upon the completion of his obligated term of service, must be amended retroactively to authorize payment for travel and transportation allowances, where it is clearly demonstrated that the withholding of these entitlements under the original orders was the result of an erroneous assumption made when those orders were prepared that the members had breached an agreement to remain on active duty. B-190458, Jan. 26, 1978. See also 44 Comp. Gen. 405 (1965); 33 Comp. Gen. 98 (1953); B-207624, Oct. 19, 1982.

Retroactive modification of a Marine Corps sergeant's travel orders to delete a provision requiring group travel is appropriate to correct an error where it was demonstrated that no group existed with which he could travel and that the order-issuing authority had not intended to specify group travel at the time the orders were published. B-219958, Sept. 26, 1986.

4. Erroneous orders superseded by valid orders

Army reservist performed travel for period of active duty for training and received travel allowance based on timely written orders determined later by the Inspector General to be invalid. However, the Inspector General also determined that the member performed the duties in good faith and should be paid. Corrected written orders, later published by direction of the Inspector General, to reflect the true intention to authorize travel, retroactively, are proper basis for payment. B-215683, Dec. 27, 1984.

F. Fraudulent Claims

1. Claimants—amounts to withhold on unpaid vouchers

The decision in 57 Comp. Gen. 664 (1978), holding that where a civilian employee submits a travel voucher wherein part of the claim for a single day's travel expenses is fraudulent, the expenses for the entire day's claim for which fraudulent information was submitted should be denied, is applicable to military members and nongovernment employees traveling pursuant to invitational travel orders as well. 59 Comp. Gen. 99 (1979). See also 60 Comp. Gen. 357 (1981); 61 Comp. Gen. 399 (1982); B-211220, Sept. 27, 1983; B-219154, Sept. 12, 1985; B-219217, Jan. 21, 1986; and B-217887, Jan. 21, 1986. But see 70 Comp. Gen. 463 (1991), below, for current rules concerning recoupment from payees on paid vouchers and liability of accountable officers.
2. Recoupment from fraudulent payees—paid vouchers

The False Claims Act and the Program Fraud Civil Remedies Act specify the government’s rights to collect damages and penalties from employees who submit fraudulent travel expense claims. Agency actions to recoup fraudulent overpayments of subsistence expense claims from fraudulent payees should be taken in light of those Acts and other applicable statutes and regulations. Prior decisions advising agencies to recoup from fraudulent payees both the fraudulent overpayments and nonfraudulent subsistence expenses claimed for any day tainted by the fraudulent claim are overruled. 41 Comp. Gen. 285 (1961) and 57 Comp. Gen. 664 (1978) are overruled in part. Determining The Amount of Accountable Officer Liability For Improperly Paying Fraudulent Travel Subsistence Expense Claims, 70 Comp. Gen. 463 (1991).

3. Accountable officers

Accountable officers should have their liability for improperly paying fraudulent travel subsistence expense claims determined on the basis of the actual fraudulent overpayments made. Accountable officers are strictly liable for losses of government funds under their control. Under the False Claims Act and the Program Fraud Civil Remedies Act, the government’s loss for paying fraudulent subsistence claims is the amount overpaid due to the fraud. Accountable officers’ liabilities also should be limited to those overpayments. Prior cases which included in the officer’s liability nonfraudulent expenses claimed for the same day as fraudulent expenses are modified. 41 Comp. Gen. 285 (1961) and 57 Comp. Gen. 664 (1978) are modified in part. 65 Comp. Gen. 858 (1986); B-217114.3, Feb. 10, 1987; B-217114, Mar. 26, 1987; B-217114, Feb. 29, 1988; B-217114, Aug. 12, 1988; B-217114.5, June 8, 1990; B-217114.6, July 24, 1990, are modified. Determining The Amount of Accountable Officer Liability For Improperly Paying Fraudulent Travel Subsistence Expense Claims, 70 Comp. Gen. 463 (1991).

Editor’s note: Comptroller General decision, 70 Comp. Gen. 463 (1991), which modified prior cases instructing agencies to apply the “tainted day” rule in deciding the liability of fraudulent payees and the accountable officers who made the erroneous payments, applies prospectively to determinations of liability made after May 6, 1991. Cf. 63 Comp. Gen. 281 (1984). Any suggestion to the contrary in 70 Comp. Gen. 463 is clarified accordingly. Fort Letterkenny Army Depot Request for Decision on
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**Payee's Liability for Payments Received Using Fraudulent Travel Claims,**


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**Subchapter II—Official or Personal Business**

**A. General Rule**

The entitlement of a member of the uniformed services to travel at government expense is for determination on the basis of whether the travel is performed on public business, that is—that the travel relates to the activities or functions of the member's service—or is performed solely for personal reasons. If before completing a temporary assignment, a member's assignment is changed by competent orders, as defined in the Joint Travel Regulations, because of the bona fide needs of the service, the fact that the change might also be beneficial to, or in accordance with the needs of the member, would not defeat his entitlement to the travel authorized incident to the change in assignment. 49 Comp. Gen. 663 (1970).

**B. Return to Designated Post of Member on Appellate Leave**

In the event a court-martialed service member who has been involuntarily placed on appellate leave under the Uniform Code of Military Justice is returned to a designated post for the purpose of participating in further judicial proceedings ordered in his case, or for other purposes of an official nature, his return travel may be regarded as having been performed under orders on official business while away from his designated post, so that his personal transportation at government expense may be authorized. 63 Comp. Gen. 135 (1983).

**C. Travel Expenses for Personal Business**

The travel allowances authorized for members of the uniformed services are for purposes of reimbursing them for the expenses incurred in complying with the travel requirements imposed on them by the needs of the service over which they have no control. Expenses of travel for personal business and not performed on public business are not authorized as reimbursable expenses. B-191681, Nov. 21, 1978.
### D. Travel on Leave—Failure to Take Government Transportation

A service member on emergency leave who was not advised that he was authorized to travel on government transportation in connection with his leave obtained commercial air transportation at his own expense. Travel allowances are not payable for the costs of the travel performed or necessitated solely by reason of leave, since such travel is considered as performed for personal reasons, rather than on public business, and although an Army regulation authorizes military air transportation in kind, there is no entitlement to commercial air transportation. B-215269, Sept. 25, 1984.

### E. Transportation and Travel Expenses of Members as Witnesses

The Joint Travel Regulations may be amended to provide transportation and travel expenses for uniformed service members who serve as witnesses in criminal cases in local courts and civil cases in local, state government, government of a United States territory or possession or District of Columbia courts—in proceedings directly related to the uniformed services or to members of the uniformed services—if the government has a compelling and genuine interest in the matter. B-223900, Dec. 24, 1986.

### F. Circuitous Route for Personal Convenience

Expenses of circuitous travel performed by a member of the uniformed services for his personal convenience may be reimbursed only in an amount not to exceed the amount for the cost of travel between the member’s duty stations via the most direct route. 54 Comp. Gen. 850 (1975).

See also B-191681, Nov. 21, 1978; and B-198341, Apr. 28, 1981.

### G. Permissive Orders for Permissive Temporary Duty

Travel allowances authorized by statute for members of the uniformed services are for the purpose of reimbursing them for the expenses incurred in complying with travel requirements imposed on them by the needs of the service over which they have no control. Expenses of temporary duty travel performed in whole or in part for personal benefit or convenience under permissive orders are thus nonreimbursable, notwithstanding that the government may derive some benefit from the optional duty undertaken. Hence, two Navy officers who traveled to their home towns to perform temporary recruiting duty under orders clearly stating that the duty was permissive rather than directive in nature and that no travel allowances were authorized for such duty are not entitled to reimbursement of the travel expenses involved. B-216971, Apr. 26, 1985.
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H. Education Activities

1. Orders issued at member’s request

An Army officer who performed travel and temporary duty incident to orders issued at the officer's personal request that he be temporarily assigned to the Armed Forces Institute of Pathology at Washington, D.C., and later to St. Louis to take the American Board of Pathology examination, was not on public business. Therefore he is not entitled to payment of travel and transportation allowances. 33 Comp. Gen. 196 (1953). See also 57 Comp. Gen. 201 (1978).

2. Orders canceled after registration fee paid

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 under permissive orders nor may he be reimbursed for registration fee absent showing fee would have been forfeited had he not attended course. B-186250, Nov. 4, 1976.

3. School transfer during leave of absence

Officer, detailed to Judge Advocate General’s Corps upon permanent change-of-station orders with excess leave granted without pay and allowances for purposes of attending law school, may not be reimbursed for travel and transportation expenses incurred incident to reassignment at officer's request. The regulations provide that orders permitting member to travel, as distinguished from directing member to travel, do not entitle him to expenses of travel, nor can expenses incurred during periods of travel under orders which do not involve public business be paid by government. B-172848, July 27, 1971.

I. Sports Activities

1. Specific legislative authorization required

Defense appropriation acts specifically provide funds for travel of military personnel who attend regional, national, and international marksmanship competitions, and 10 u.s.c. § 717, authorizes, by implication, expenditures for travel and transportation expenses of members who participate in international amateur sports competition or in Pan-American and Olympic Games, such acts do not indicate that public funds may be expended for any travel not incident to the performance of public business except as
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specifically authorized by law. Hence, an Army regulation which purports
to authorize payment of travel expenses of members participating in an
Army sports programs is invalid, and credit in the accounts of disbursing
officers for payment of travel expenses and per diem under such
regulation must be withheld. 38 Comp. Gen. 873 (1959). For authorization and
limitations in regulations, see 1 JFTR para. U7800–7803.

2. Team members not “command supervisors”

Air Force members who in connection with sports programs attend
coaches' and officials' training schools under temporary duty orders
designating them as command supervisors are not entitled to per diem and
transportation payments. Though Air Force Regulation, authorizing sports
programs, provides travel and per diem expenses for a command
supervisor who is in charge of a sports team, the members were assigned
to teams for training and not to assume command. The mere designation
in the travel orders of the members as command supervisor, absent
performance of that duty, does not entitle them to travel at government
expense. Therefore, the temporary duty of the trainees not constituting
public business as contemplated in the Joint Travel Regulations,
appropriated funds may not be used to pay the travel and per diem
expenses of the members. 42 Comp. Gen. 233 (1962).

J. Award Ceremonies

The Secretaries concerned may issue regulations authorizing the payment
of travel and transportation expenses of civilian employees of the
Department of Defense and military members who travel on temporary
duty to receive non-federally sponsored honor awards provided such
awards are determined in each case to be reasonably related to the duties
of the employee or member and the functions and activities of the agency
to which the recipient is attached. Travel to receive awards in which such
determination cannot clearly be made is not travel on public (official)
business and no authority exists for such travel at government expense.

K. Travel Delays

See also “Travel Time Allowable” under Per Diem, Chapter 2, C., of this
title.

Air Force member who traveled on temporary duty and did not use normal
government transport, but rather Aero Club aircraft which incurred
mechanical difficulties, may not be reimbursed for travel to and from San
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Francisco, his permanent duty station, while waiting for the aircraft to be repaired, since the trip was not a necessary expense pursuant to public business but an expense as a result of a personal choice. 55 Comp. Gen. 1247 (1976).

L. Return Home During TDY for Personal Reasons

1. Limited reimbursement authorized

An amendment to the Joint Travel Regulations to provide that members of the uniformed services who voluntarily return from temporary duty stations to their permanent stations or places of abode over weekends, holidays, etc., may be reimbursed for the travel not to exceed the per diem which would have accrued had they remained at the temporary duty station is proper under section 303(a) of the Career Compensation Act of 1949 (see 37 U.S.C. § 404), which not only authorizes payment of travel allowances to members away from their designated posts of duty under orders but permits the Secretaries concerned to establish or to adjust those allowances by regulations. 39 Comp. Gen. 322 (1959). See 1 JFTR para. U4130 for current regulation.

2. Where member commutes between home and TDY station

Marine Corps member on temporary duty assignment who commuted 120 miles daily between his permanent residence and temporary duty station, is entitled to be paid mileage allowance for such travel, but not to exceed amount he would have received had he remained at temporary duty station, where commuting travel was not approved as advantageous to government but was instead merely permitted for reasons of member's personal convenience. B-186677, Sept. 29, 1976. See also B-206503, Nov. 30, 1982.

3. Emergency leave

An enlisted member of the uniformed services who upon arrival at a temporary duty station learns of the death of his father-in-law and is orally informed that his temporary duty orders will be canceled, that he may depart on leave, at the end of which period he should return to his permanent duty station, is not entitled to reimbursement for the travel expenses incurred, even though subsequently he is returned to the temporary duty station, or that formal orders were issued to support the oral directions. The travel expense did not relate to the activities or functions of the member's service and, therefore, were not incurred on
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public business, and having been induced by the personal needs of the member, reimbursement of the travel expenses may not be authorized. 49 Comp. Gen. 663 (1970). However, 37 U.S.C. § 411e as added by Pub. L. No. 97-60, Oct. 14, 1981, now provides specific statutory authority for travel at government expense in certain circumstances when a member returns home from a TDY station due to a family emergency.

M. Return to Assist Dependents in PCS Move

1. PCS with TDY

A member of the uniformed services is detached from his permanent duty station upon being assigned to temporary duty and the new permanent duty station is not designated until the end of temporary duty assignment. Member may be authorized travel at government expense from the temporary duty station to the old duty station for the purpose of arranging for relocation of dependents and personal effects resulting from the permanent change of station and then travel to the new permanent duty station. The date of the detachment from the old permanent duty station does not affect this entitlement. 60 Comp. Gen. 564 (1981). See also 57 Comp. Gen. 198 (1977).

2. Change of ship's home port

When the home port of a ship or other mobile unit to which a Navy member is being transferred is in the process of being changed the member may accompany his dependents or otherwise travel to the newly designated home port prior to reporting to the ship or other mobile unit if that travel is authorized by amendment to the Joint Travel Regulations and is necessary to assist in the transportation of the member's dependents or property. 60 Comp. Gen. 561 (1981). See 1 JTR para. U5120-F.

3. Return from unaccompanied tour

Dependents of military member are located at a designated place away from his duty station because of the member's isolated duty, unusually arduous duty, or unaccompanied overseas tour. Travel by the member to the designated place upon assignment to a permanent duty station to which he is not authorized to take his dependents and upon his next permanent change of station at government expense may be authorized by amendment to the Joint Travel Regulations, but the authorization of travel to the designated place must be based on the member's need to assist in arranging for transportation of dependents, household or personal effects,
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N. Recall From Leave to Permanent Duty Station

1. Interruption within 24 hours of departure

The payment of travel expenses incurred by a member of the uniformed services returning to his permanent station at the conclusion of a period of authorized leave for the resumption of his regular duties is a personal obligation. However, where the authorized leave of absence of 5 days or more is interrupted within 24 hours after the member's departure and he is required to return to his duty station for the performance of duty under circumstances not contemplated when the leave of absence was granted, the element of "public business" is present in the required travel. In those circumstances, the Joint Travel Regulations may be amended to authorize payment of travel from a leave point to the permanent duty station and return when the authorized leave of a member is interrupted by circumstances arising after his departure on leave. 46 Comp. Gen. 210 (1966). See 1 JFTR para. U7220-B.

2. Interruption after 24 hours of departure

Current regulations which limit a service member's entitlement to return travel and transportation expenses upon recall from authorized leave of 5 days or more due to urgent unforeseen circumstances only if recall is within 24 hours of departure from the duty station, may be amended to authorize entitlement for recalls after 24 hours. Such amendment should set forth definite criteria to be followed if authorization of expenses is to be allowed after 24 hours, i.e., to allow reimbursable travel in certain limited situations when the purpose of the member's trip on leave has been defeated or a substantial portion of the leave period has been eliminated by the recall. B-201716, Aug. 12, 1981. See 1 JFTR para. U7220-D.

3. Emergency war operations

When the leave of absence granted members of the uniformed services is canceled due to emergency conditions brought about by actual contingency operations or emergency war operations, the members may be returned to their permanent duty station at government expense by the most expeditious means available, regardless of the days of leave authorized or the number of days the members had been in a leave status, and the Joint Travel Regulations amended accordingly. The need to recall
members to duty cannot be contemplated at the time the leave is authorized, and as an element of public business is present in the emergency return of members to their permanent duty station, payment to the members of the cost of ordered return travel is justified. 49 Comp. Gen. 804 (1970).

4. TDY with leave interrupted

A Navy enlisted member stationed in California who while on leave in Baltimore, Maryland, which was authorized under orders providing for subsequent temporary duty to attend school in Rhode Island, is directed to return to his permanent duty station upon completion of his leave is entitled to travel allowances equivalent to the round-trip distance between his permanent duty station and leave point, not to exceed the round-trip distance between his permanent and temporary duty stations. While ordinarily such allowances are not payable for leave travel performed for personal reasons and not public business, the member performed the circuitous travel to his leave point under competent orders, travel he would not have undertaken had he not been ordered to perform the temporary duty. 51 Comp. Gen. 548 (1972).

5. Leave with TDY in United States

An Air Force enlisted member on permanent duty in Germany, whose travel orders direct travel by government air, but who by amendment to those orders is authorized to take leave in the United States following his temporary duty assignment there, is responsible for the commercial transportation costs incurred in getting from his temporary duty station to his leave address and to the Air Force base from which he departs by government aircraft to return to Germany. B-210197, June 6, 1983.

O. Location of Ship Changed While on Leave

1. When government transportation unavailable

Member returning from leave to ship formerly at San Diego, California, but then at Pearl Harbor, Hawaii, was unable to secure government transportation and traveled by first class commercial air on earliest flight available. He may be reimbursed for such travel not in excess of cost for tourist class travel in absence of indication that such travel was not available within a reasonable time. B-184374, Sept. 18, 1975.
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2. Travel orders for permissive temporary duty in conjunction with a permanent change of station

There is nothing inherently objectionable about directive military travel orders which contain separate provisions for the performance of permissive temporary duty for which travel allowances will not be paid. Accordingly, the Bureau of Naval Personnel acted properly in issuing directive change of station orders to two Navy officers with provisions authorizing them while en route to undertake permissive temporary recruiting duty assignments in their home towns. The officers' travel allowance entitlements are for computation on the basis of constructive travel performed over a direct route in compliance with the directive change of station provisions of the orders. B-216971, April 26, 1985.

P. Leave in Connection With Consecutive Overseas Tours

1. Second tour at same station

Proposed revision of Volume 1 of the Joint Travel Regulations granting leave travel entitlements authorized under 37 U.S.C. § 411b, to members reassigned to second tours of duty at same overseas station is contrary to clear language of statutory provision which provides for this entitlement in connection with a "change of permanent station to another duty station." 55 Comp. Gen. 284 (1975). However, 37 U.S.C. § 411b was amended by Pub. L. No. 97-60, Oct. 14, 1981, to specifically authorize leave travel for a member ordered to a consecutive tour of duty at the same overseas duty station.

2. Delayed leave

There is no objection to a proposed revision of Volume 1 of the Joint Travel Regulations to grant leave entitlements under 37 U.S.C. § 411b, where because of the critical nature of the member's job he is not authorized leave travel between permanent station assignments provided such travel takes place within a reasonable time following the change of station, and entitlements do not exceed those provided if travel had occurred between assignments. 55 Comp. Gen. 284 (1975).

Q. Return From Leave to Duty Abroad

Where Army member was issued transportation request upon showing he was without funds to purchase necessary transportation for return to his overseas duty station at end of period of leave, member was not entitled to reimbursement of cost of commercial transportation used in connection with emergency leave. Regulations expressly prohibit such reimbursement.
for travel by commercial means, and reimbursement also is prohibited in connection with ordinary leave since it is not on public business. B-180810, Oct. 9, 1974. See also B-205455, Sept. 23, 1982; and 37 U.S.C. § 411d as added by Pub. L. No. 97-60, Oct. 14, 1981, which specifically authorizes reimbursement for emergency leave travel in certain circumstances for members stationed abroad.

R. Presence of Dependents in Vicinity of Restricted Overseas Station

Transportation expenses are authorized for members of the uniformed services in connection with authorized leave between unrestricted and restricted tours of duty overseas. They may receive such allowances where their dependent wives were transported at government expense to a designated place in the United States, subsequently left the designated place and joined the member in the vicinity of the restricted overseas duty station at personal expense and were there when the member was notified of permanent change of station to a consecutive overseas duty station at the designated location to which they returned and to which the members traveled to assist in disestablishing that residence. B-195643, Apr. 24, 1980.

S. Convalescent Leave

1. Ill or injured while entitled to hostile fire pay

A member of the uniformed services who travels from his convalescent leave site to a medical treatment facility other than the one that granted the convalescent leave incident to an illness or injury incurred while receiving hostile fire pay may be authorized return transportation at government expense pursuant to 37 U.S.C. § 411a. To restrict a member’s return to the facility from which departed is not required in view of the apparent beneficial intent of the 1967 act to relieve a member of the travel expenses incurred incident to convalescent leave, and the governing regulations may be amended accordingly. 49 Comp. Gen. 427 (1970). See 1 JFR para. U7210.

2. Not entitled to hostile fire pay

A member of the uniformed services is granted convalescent or sick leave while recuperating from surgery and although released from the hospital is restricted as to the distance he may travel while on leave. Member is not entitled to per diem or reimbursement for expenses incurred while on sick leave. B-194234, Oct. 23, 1979.
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T. Hospitalization While on Leave

Where a service member traveled on authorized ordinary leave and was subsequently hospitalized in a military hospital at his leave site at the end of his leave, he is not entitled to reimbursement, under 37 U.S.C. § 404, for return travel to his duty station. The fact that his regular leave was extended by hospitalization does not alter his entitlement. His hospitalization due to illness merely entitled him to a respite from military duty and was solely for his accommodation. B-185459, April 22, 1976. See also B-185576, July 20, 1976.

U. Leave Due to Family Emergency During TDY Assignment

An enlisted member of the uniformed services who upon arrival at a temporary duty station learns of the death of his father-in-law and is orally informed that his temporary duty orders will be canceled, that he may depart on leave, at the end of which period he should return to his permanent duty station, is not entitled to reimbursement for the travel expenses incurred, even though subsequently he is returned to the temporary duty station, or that formal orders were issued to support the oral directions. The travel expense did not relate to the activities or functions of the member's service and, therefore, were not incurred on public business, and having been induced by the personal needs of the member, reimbursement of the travel expenses may not be authorized. 49 Comp. Gen. 663 (1970). However, 37 U.S.C. § 411e as added by Pub. L. No. 97-60, Oct 14, 1981, now authorizes return leave travel from a TDY station at public expense in certain family emergencies.

V. Emergency Leave Granted After Arrival at Ordinary Leave Point

The member departed from his last duty station in a leave status pursuant to permissive rest and recuperation leave orders after receipt of permanent change of station (PCS) orders. After arrival at his leave point and prior to the effective date of the PCS orders he was granted emergency leave and directed to proceed directly to his new duty station. The member is not entitled to reimbursement of the cost of transportation from his last duty station to his leave point or to per diem allowance for such travel. 54 Comp. Gen. 641 (1975).

W. Lost Records—Burden of Proof on Claimant

An Army Reserve officer claims payment for travel expenses incurred during a period of active duty for training in 1976. The claim first received in the General Accounting Office on August 26, 1981, is disallowed since in the intervening period between the performance of duty and request for payment, all government records which would justify payment or refute nonpayment were lost or destroyed. The burden of proof absent such
government records is on the claimant and he has not furnished appropriate financial records documenting his entitlement to payment. B-213498, May 14, 1984.

X. Appropriation Chargeable

The reimbursable relocation expenses of transferred service members should be charged as an obligation against the appropriation current when their permanent change-of-station orders are issued, and their rights to reimbursement vest when the change-of-station move is then performed under those orders. Payment of the reimbursable expenses should be made from the appropriation so obligated, rather than some other appropriation that may later be current when the travel is completed and the claim for reimbursement is processed. Staff Sergeant Frank D. Carr, USMC, 67 Comp. Gen. 474 (1988).

Service members who commenced permanent change-of-station moves between October 1 and December 1, 1985, were entitled to a dislocation allowance at a rate equal to 2 months' basic allowance for quarters. Funds appropriated for the Department of Defense by fiscal year 1986 continuing resolution for that period remained available for payment of the dislocation allowance to those service members at that rate, even though the regular appropriation act of December 19, 1985, reduced the rate at which the allowance could be paid. Staff Sergeant Frank D. Carr, USMC, 67 Comp. Gen. 474 (1988).
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A. Requirement That Member Be Away From Permanent Station

1. General rules and exceptions

a. No per diem if TDY station within metropolitan area of permanent station

A Naval officer who was detached from assigned duties and directed to proceed to a new station within the same metropolitan area as official residence (home) for temporary duty in connection with separation processing, and who upon the completion of the processing was to proceed home for release from active duty, is not entitled to payment of per diem incident to the performance of the temporary duty. 33 Comp. Gen. 55 (1953).

b. Where city limits encompass wide area

Members of the uniformed services while performing temporary duty as escorts for deceased members within the corporate limits of their permanent duty station may not be paid per diem, even though the distance traveled to the funeral site is over 55 miles. The allowances prescribed in 10 U.S.C. § 1482 for escort duty may only be considered in conjunction with 37 U.S.C. §§ 404 and 408, regarding entitlement generally for travel performed on public business under competent orders. Under section 404, per diem for temporary duty is payable only when a member is away from his designated duty station. For travel within the limits of his permanent duty station, a member under section 408 may only be paid transportation costs. Therefore, the Joint Travel Regulations may not be amended to provide per diem for escort duty at a permanent duty station. 49 Comp. Gen. 453 (1970).

c. Permanent station is ship and home port changed during TDY

A chief petty officer, incident to a permanent duty station change from Memphis, Tennessee, to Patrol Squadron Eight at Brunswick, Maine, was ordered to report on April 29, 1971, for 19 weeks of instruction on temporary duty with Squadron Thirty at Patuxent River, Maryland. He is entitled to per diem for the entire period of the temporary duty, notwithstanding the unit to which assigned at his new permanent duty station was located at Patuxent River until June 30, 1971. Paragraph of the Joint Travel Regulations prohibiting the payment of per diem within the limits of a permanent duty station has no application as the officer was not a member of Squadron Eight until he reported to Brunswick. Therefore, his travel status and per diem entitlement were not affected because his
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temporary duty station was for part of the time the old permanent station of the Squadron. 51 Comp. Gen. 215 (1971).

d. Meals at seminars at headquarters

GAO is unable to determine, based on the available record, whether Department of Defense civilian employees and military officers may be reimbursed for meals provided as part of a contractor’s seminar held at their permanent duty station. Reimbursement of meal expenses is permitted under 5 u.s.c. § 4110 under these circumstances when the meals were incidental to a formal meeting or conference that extended outside the meal session, when the attendance by the employee at the meals was necessary to fully participate in the business of the meeting, and when the employee was not free to partake of his meals elsewhere without being absent from essential business. Moreover, attendance at the meals alone would not be sufficient to justify reimbursement even if the other criteria were met. From the record supplied with the submission, it is impossible for this Office to decide whether the employees attended the full sessions or only the meals for which they claim reimbursement. Accordingly, GAO advises the agency that payment may be made in the case of each employee or member only if there is substantial evidence that the meals in question were incidental to day-long sessions and the employee or member claiming reimbursement participated in the entire session on any day for which he submitted a claim. B-224995, Dec. 11, 1987.

e. Exception—member required to vacate uninhabitable government quarters

A member of the uniformed services required by Air Force regulations to live on base for 30 days was forced to relocate with his dependents into temporary quarters without kitchen facilities at his permanent duty station due to uninhabitability of his government quarters and incurred additional expenses for his meals. Since the member’s evacuation was necessary for the proper administration of the facility as well as the personal safety of the member and his family, the member may be reimbursed the expenses he incurred over and above what he would have spent for food had he been allowed to remain in on-base housing. B-225205, Sept. 25, 1987.

f. Travel away from permanent station less than 10 hours

A Navy officer was unable to fulfill his temporary duty assignment because he was recalled to his permanent station for emergency duties a few hours
after arrival at the temporary duty station. He incurred an advance payment for the rental of a hotel room in addition to taxi fare and trips for handling baggage at the air terminal. The officer may be reimbursed even though the payment of per diem is precluded by the Joint Travel Regulations because the officer's absence from his permanent duty station was less than 10 hours. The officer under proper orders rented the hotel room due to the unavailability of government quarters, and the reimbursable hotel charge is considered an administrative expense that is chargeable to the appropriation for Operation and Maintenance Navy, 51 Comp. Gen. 12 (1971).

A member of the Army whose regular duties involve performing flights as an aircrew member which are more than 6 but less than 10 hours is not entitled to partial per diem allowance for meals which he cannot take at this permanent station, since he is not incurring any additional expense for meals taken away from his station. B-211424, Oct. 31, 1983.

g. Temporary duty prior to reporting to new duty station

A member who following graduation from Officer Candidate School in Newport, Rhode Island, is ordered to perform recruiting duty near his home at no cost to the government and then perform temporary duty at Newport prior to reporting to his new permanent station is entitled to a per diem allowance for the temporary duty. Lieutenant Bryan K. Latham, USNR, B-244577, May 8, 1992.

2. No permanent station designated

a. PCS changed to TDY

A Marine Corps officer, whose orders directing him to proceed overseas on a permanent change of station were amended to provide that the travel was "for temporary additional duty for training" rather than a permanent change of station—with no indication that a further assignment to a new permanent duty station was contemplated—is not performing "temporary duty" away from his permanent station so as to be entitled to per diem for such duty. 32 Comp. Gen. 330 (1953).

b. Initial TDY school assignment

The action was to recover per diem allowances due plaintiffs while in attendance at the United States Naval School for indoctrination and Naval
Justice courses, on the ground that plaintiffs were then in "travel status" within the meaning of applicable provisions of the Joint Travel Regulations. The court held that plaintiffs, having gone immediately to Officer Candidate School from their homes upon enlistment, were not, under the terms of their orders, "away from their permanent duty station" and therefore were not in such "travel status" as would warrant payment of per diem allowances. The court further held that plaintiffs were not on "temporary duty" within the meaning of applicable regulations because they had no permanent duty station other than Officer Candidate School which was their first duty station. Califano v. United States, 145 Ct. Cl. 245 (1959). See also B-202822, May 21, 1981; and B-202319, May 4, 1981.

c. Newly enlisted airman in training

Travel per diem authorized for service members under 37 U.S.C. § 404 is payable to a member only "when away from his designated post of duty," so that per diem is not payable to a newly enlisted airman undergoing preliminary training under orders that do not designate the first permanent duty station to which he is to proceed upon the completion of his training assignment. B-211545, Nov. 1, 1983.

d. Rule in all cases where no permanent station designated

The holding in Califano v. United States is not limited to cases involving newly inducted or enlisted members, but is for application in any case where a member is ordered from his home and is assigned to a station for temporary duty under orders which contemplate a further assignment to duty upon completion of the temporary duty, and the orders do not designate a specific permanent duty station to which the member is to travel and report for duty upon completion of temporary duty. 39 Comp. Gen. 507 (1960).

e. Several consecutive TDY assignments with no permanent station

A member of the uniformed services who is ordered to active duty from his home, assigned to a station for temporary duty upon completion of which he is to report to another location for temporary duty and further assignment, may not have the place at which the second or subsequent periods of temporary duty are performed considered as other than the member's only post of duty to place the member in a travel status for per diem purposes. 39 Comp. Gen. 511 (1960).
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f. Permanent assignment canceled while on TDY

A Navy officer whose orders to temporary duty under instruction and subsequent assignment to a designated vessel were canceled before he was required to report to the vessel because of an extended period of hospitalization is regarded as having a designated post of duty aboard the vessel upon completion of the temporary duty, even though cancellation of the unexecuted orders relieved him of the requirement to report to the vessel. The principle in Califano v. United States, precluding per diem in the absence of a designated post of duty away from which travel can be performed, is not for application and, therefore, when the member was found to be fit for duty and reported for temporary duty pending receipt of permanent orders, he is considered in a status for entitlement to per diem. 43 Comp. Gen. 203 (1963).

3. TDY station changed to permanent station

a. General rule

The restriction against payment of temporary duty allowances in the United States after date the member of the uniformed services receives permanent change of station orders which designate the temporary duty station as the new permanent station contained in the Joint Travel Regulations is applicable to temporary duty stations outside the United States which are designated as the new permanent duty station during the period of temporary duty. 38 Comp. Gen. 697 (1959).

b. Member advised TDY assignment will become permanent prior to his departure

Member who was issued oral orders (subsequently confirmed in writing) designating Bandung, Indonesia, as new permanent duty station and 1 day later received written orders for 15-day temporary duty at Bandung, is not entitled to per diem in connection with his duty at Bandung. Totality of circumstances indicates that Bandung was member’s permanent duty assignment and member had knowledge of such assignment prior to his departure for Bandung. B-185851, Apr. 28, 1976. See also B-202319, May 4, 1981.
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c. When per diem entitlement ceases

Where member on temporary duty assignment at Aberdeen Proving Ground on September 15 received order on that date making the installation his permanent duty station, member was entitled to per diem through September 15 even though permanent change-of-station order was dated, issued, and made effective on September 10. B-175183, May 8, 1973.

d. Prior to receipt of change-of-station orders

Member of Marine Corps is entitled to per diem at temporary duty station, Camp Lejeune, prior to receipt of orders naming Camp Lejeune as permanent duty station, since although the member was undergoing follow-on training after induction and basic training which would normally preclude receiving per diem during such training, prior course of instruction at Twentynine Palms, California, exceeded 20 weeks and subsequent transfer to Albany, Georgia, for instruction in excess of 20 weeks constituted a permanent change of station. Thus, he was in a travel status away from his permanent duty station when he traveled to Camp Lejeune. Corporal Jeffrey B. Lowery, USMC, B-246475, May 13, 1992.

4. Return to former permanent station on TDY

a. Per diem not authorized

A Navy enlisted member who, subsequent to assignment for temporary duty for hospital treatment, is transferred to his original permanent duty station for temporary duty pending action on his medical survey may not have the temporary duty assignment for medical treatment regarded as a conclusive detachment from the permanent duty station but rather as a contingent detachment dependent upon further developments. Therefore, during the period of hospitalization and upon reassignment the original station remained the member’s permanent duty post until placement on the temporary disability retired list and per diem for the period of temporary duty at the permanent station is not authorized. 43 Comp. Gen. 185 (1963).

b. Circumstances in which per diem may be paid

Colonel was ordered on permanent change of station (PCS) due to excess colonels at old station and then immediately ordered back to old station in temporary duty status. He is authorized per diem notwithstanding general rule against receipt of per diem when performing temporary duty at old
duty station in connection with permanent change of station, since temporary duty orders were confirmed by new station, member vacated family quarters at old station and moved family to new station shortly after orders were issued, and there was valid reason for PCS. B-180632, July 27, 1976.

5. TDY prior to reporting at new permanent station

a. No per diem entitlement

Naval officer who was ordered to report for permanent duty at one Washington, D.C., installation and to perform prior "temporary duty" at another Washington installation. He may not be considered to have been traveling away from his designated post of duty within the meaning of section 303(a) of the Career Compensation Act of 1949 so as to be entitled to per diem for the "temporary duty" even though at the time he was performing such "temporary duty" amendatory orders were issued which directed him to proceed to another permanent duty station. 34 Comp. Gen. 427 (1955).

b. TDY and new permanent stations in same county and within commuting distance

An officer was released from his duty station at a university and assigned to the Pentagon in Arlington, Virginia, with temporary duty en route at the Center for Naval Analyses, also located in Arlington 2 miles from the Pentagon. He established a residence within commuting distance to both points. The officer is not entitled to per diem since the boundaries of Arlington County are considered to be comparable to the corporate limits of a city within the contemplation of the Joint Travel Regulations (JTR) and, therefore, he was not in a "travel status." 52 Comp. Gen. 751 (1973).

6. TDY after detachment from old permanent station

a. No per diem even though intervening TDY away from permanent station

A member of the uniformed services was ordered to make permanent change of station from Fort Myer, Virginia, to South Vietnam with temporary duty en route at Rosslyn, Virginia. Travel status and entitlement to per diem did not exist since the temporary duty was performed within the limits of his old permanent station (Fort Myer and Rosslyn both being located in Arlington County, Virginia). The Joint Travel Regulations

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provide that a travel status commences a departure from a permanent station and terminates on return to that station or upon reporting to a new permanent station. B-181346, Jan. 17, 1975.

b. No per diem even though permanent quarters vacated

Air Force officer whose permanent duty station was located within San Antonio, Texas, received permanent change-of-station orders reassigning her from that military installation in San Antonio to a distant post, with provisions for a 40-day temporary duty assignment en route at another military installation in San Antonio. She is not entitled to per diem allowances in conjunction with such 40-day assignment, notwithstanding she occupied transient quarters, because that assignment did not involve or require any departure from the limits of the member's permanent duty station. B-184861, Aug. 3, 1976.

7. Commuting between permanent quarters and TDY station

a. No per diem even though transient quarters unavailable

Daily travel by a Naval officer from the place where he was ordered to active duty to his temporary duty station and return is travel within the immediate vicinity of his duty station and precludes payment of per diem, notwithstanding the place from which he was ordered to duty was not his permanent address, and that government quarters and messing facilities were not furnished. 35 Comp. Gen. 548 (1956).

b. No per diem even though TDY station outside limits of permanent station

Service members assigned from Camp Pendleton to El Toro, California, under temporary duty orders for periods of more than 1 day are entitled to per diem allowances if they remain at El Toro since that place is not within the boundaries of Camp Pendleton, their permanent duty station. If they instead commute daily by private automobile from their permanent quarters at Camp Pendleton, they are not entitled to per diem, but they are entitled to a mileage allowance for their daily travel. Captain J.R. Huston, USMC, B-206503, Nov. 30, 1982.

c. No partial per diem for meals

An Army officer whose travel orders directed him to commute daily from his residence to certain temporary duty stations near his permanent
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station is not entitled to partial per diem for one meal he purchased each
day at the temporary duty stations. The fact that he may have had to stop
at his permanent station each day en route to the temporary duty stations
did not change the fact that the travel was commuting for which per diem
is not authorized. B-201887, Mar. 10, 1982.

d. Mileage allowance authorized

An officer occupying quarters on post at Quantico who is ordered to
perform temporary duty at Marine Corps Headquarters, Washington, D.C.,
and to travel daily by privately owned car between the two points, a
distance of 70 miles, is subject to paragraph of the Joint Travel
Regulations which precludes the payment of per diem to a member
traveling daily from his residence to a temporary duty station. The member
incurred no change in living conditions or additional subsistence
expenses. However, the officer is entitled to the rate per mile prescribed

e. Mileage allowance—travel approved but outside limits of permanent
station

The travel of a Marine officer who was verbally directed to travel by
privately owned vehicle from his permanent duty station at Quantico to
Marine Headquarters in Arlington, as well as to various locations in
Washington, D.C., incident to temporary duty—travel subsequently
approved for reimbursement—is interstation travel within the purview of
37 U.S.C. § 404 and reimbursable at the rate prescribed by the Joint Travel
Regulations rather than at the higher rate provided pursuant to 37 U.S.C.
§ 408, for travel within the limits of a member's station. Although 37 U.S.C.
§ 404 requires travel to be authorized by written orders, confirmation of
the verbal order by competent authority shortly after the performance of
the travel as being advantageous to the government may be accepted for
the purpose of reimbursing the officer. 52 Comp. Gen. 236 (1972). But see
also 59 Comp. Gen. 397 (1980); and B-206503, Nov. 30, 1982.

f. Mileage allowance—travel not approved but permitted for member's
convenience

Marine Corps member on temporary duty assignment who commuted 120
miles daily between his permanent residence and temporary duty station,
is entitled to be paid mileage allowance for such travel but not to exceed
amount of per diem he would have received had he remained at temporary
duty station. The commuting travel was not approved as advantageous to government but was instead merely permitted for reasons of member's personal convenience. B-186677, Sept. 29, 1976. See also B-206503, Nov. 30, 1982.

8. Basic duty assignment over wide geographic area

a. General rule

Members of the uniformed services who are required to perform a basic duty assignment over a widespread area may have such area within which a substantial amount of duty will be performed administratively established as a designated post of duty so that travel and temporary duty performed at places removed from such area will entitle the members to travel allowances. However, if it is not feasible to make such a designation, the entire area of activity of the basic duty assignment must be regarded as the member's duty station and travel allowances would not be proper. 38 Comp. Gen. 656 (1959).

b. Specific location within area as permanent station

Military and civilian personnel who are ordered to report to a place for duty, in connection with a considerable amount of travel in the field after indoctrination and training at that place, and who subsequently are issued orders directing temporary duty away from and return to that place, may be regarded as having a specific location for a permanent duty station away from which travel and temporary duty are performed. Such personnel may be regarded as in a travel status for per diem and travel expense purposes. 39 Comp. Gen. 753 (1960).

c. Area with definite boundaries—half of state

A member of the uniformed services who is assigned to a permanent duty station (Westover Air Force Base) to perform investigations in a definite area encompassing a part of a state (western half of Massachusetts) and all the cities therein and who, while traveling in the area and receiving a subsistence allowance, has to procure meals is not required to have all the travel in the entire area regarded as in the "immediate vicinity" of his duty station so as to be precluded under the Joint Travel Regulations from obtaining reimbursement for meals. However, travel to a city (Springfield) which is 18 miles away from the Base and takes 38 minutes of actual travel time where a noon meal is procured is not travel away from the duty
station under 37 U.S.C. § 404 and the Joint Travel Regulations and reimbursement for the meal is not authorized. But allowance for meals at other places outside the immediate vicinity of the Base is proper, less a prorated reduction from the member's subsistence allowance for such meals. 42 Comp. Gen. 666 (1963).

d. Basic assignment covers corps operational area

Air Force member was assigned duty as forward air controller with Republic of Korea Capitol Division, in the operational area of corps operating out of Cam Ranh Bay, Vietnam. Member performed such duty between October 12, 1969, and March 6, 1970, mainly at Tigertown, Vietnam, 18 miles from headquarters posts at Cam Ranh Bay. Member was not entitled to per diem for duty at Tigertown, since that place was within sphere of his basic duty assignment, the corps operational area. B-176109, Oct. 31, 1972.

B. Limitation on Length of TDY

1. Six months rule cases

A duty assignment of members of the uniformed services for a period in excess of 6 months may not reasonably be considered as temporary duty for payment of per diem. The assignment of members of the uniformed services to Antarctica incident to Operation "Deepfreeze II" for an 18-month period is far in excess of the duration which reasonably may be considered temporary for payment of per diem. 36 Comp. Gen. 757 (1957). See also 63 Comp. Gen. 4 (1983).

After members of the uniformed services have actually reported to a new station for duty under instruction for a period of 6 months pursuant to permanent change-of-station orders, the amendment of the orders to refer to the duty as temporary is ineffective to authorize the payment of per diem. 36 Comp. Gen. 569 (1957). See also 63 Comp. Gen. 4 (1983).

Although a time limitation of 6 months for temporary duty assignments for members of the uniformed services appears reasonable under ordinary circumstances, if the services promulgate uniform regulations applicable to all services with appropriate administrative criteria for approval, in exceptional cases, of temporary duty assignments which are not short duration, payment of per diem in such cases for periods of duty in excess of 6 months could be authorized. 38 Comp. Gen. 853 (1959).
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Army member who after a period of 171 days of duty as a "Referral Recruiter," which is considered to be temporary duty, received several temporary duty orders continuing the duty at same location for 5 additional months, in absence of approval for temporary duty in excess of 180 days, in accord with the Joint Travel Regulations and Army Regulations, is limited to per diem allowances not in excess of 180 days at the location. 54 Comp. Gen. 368 (1974).

2. PCS versus TDY—time limit on per diem

Temporary or permanent duty is a question of fact to be determined from the orders and, where necessary, from the character of the assignment—considering duration, nature of duty enjoined, etc. Thus, Army officer ordered as a member of a unit on temporary duty to another station for a period of 5 months (later extended to 8 months) while quarters at permanent station were being renovated was entitled to the per diem prescribed for unit temporary duty, not to exceed 180 days without headquarters prior approval and excluding periods of group travel, leave, and field duty. B-185987, Nov. 3, 1976.

3. Multiple TDYs at same station

The assignment of a member of the uniformed services to a school of instruction for 6 weeks and, upon the successful completion of the course, the further assignment to another training course at the same station for an additional 15 weeks constitutes a permanent rather than temporary change of station. This precludes the receipt of per diem. The contingency that the member may fail to meet the scholastic requirements for successful completion of the first course may not defeat the administrative intent to continue the member under instruction for both training periods. 37 Comp. Gen. 637 (1958).

C. Travel Time Allowable

1. Leave

No per diem allowance is payable for any day of leave, proceed time, or delay en route when such day is classified as leave. B-178329, Apr. 18, 1974. 1 JFTR para. U4102-B.
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2. Advance travel necessary to take advantage of excursion or reduced airfare

Payment of an extra day's per diem is authorized to a member of the uniformed services for the extra time required to take advantage of a reduced excursion airfare. The increase travel time did not interfere with the performance of his official duties because he traveled on a nonworkday, it was not solely for personal convenience, and the cost of the extra per diem was more than offset by the savings to the government through use of the excursion fare. B-194381, Aug. 2, 1979.

For purpose of qualifying for per diem a member of the uniformed services may be considered to be in a travel status for the extra time required to take advantage of a reduced airfare if it can be shown that the increased travel time will not interfere with the performance of official business, is not for personal convenience, and the cost of the extra per diem when added to the cost of the reduced fare does not exceed what the government would have been required to pay had the reduced fare not been used. 58 Comp. Gen. 710 (1979).

3. Intentional rest layovers

a. Transoceanic flights

Navy member returning from Teheran, Iran, to Washington, D.C., on temporary duty, who departs from Teheran at 5:35 a.m. and completes 7 hours of travel to Rome, Italy, on trip requiring at least 24 hours' total travel if he is to continue on same plane or flight, may be allowed recredit of leave and paid per diem for period of rest stopover since officer's action in utilizing stop for rest appears reasonable under circumstances. 55 Comp. Gen. 513 (1975). Compare B-202477, Dec. 23, 1981.

b. Overnight layovers within United States

Member directed to proceed from Vienna, Virginia, to Vallejo, California, for 2 days' temporary additional duty, who upon completion of such duty at 5:30 p.m. on second day elected to spend night in San Francisco and return to Virginia the following morning on 8:45 a.m. flight, was entitled to per diem for overnight layover, such layover being reasonable under circumstances. The member had worked full day and there was no showing he was required to be at permanent station next morning. B-177897, Mar. 21, 1973.
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c. Unnecessary advance travel prior to TDY

Where Navy member was ordered to travel from Washington, D.C., to Camden, New Jersey, and return, for purposes of inspecting shipbuilder's model, and it appeared that time (including travel) necessary for completing assignment did not exceed hours between 6:00 a.m. and midnight of one working day, member was not entitled to additional per diem due to his travel to Camden, New Jersey, and overnight layover on day preceding scheduled inspection. 33 Comp. Gen. 379 (1954).

d. Travel over four or more time zones

Paragraph M4204-3c, Volume 1 of the Joint Travel Regulations (1 JTR), provides in part that when a service member performs temporary duty travel by air over a direct route, his departure may be scheduled to allow arrival at a temporary duty station 24 hours prior to the beginning of a work status if the permanent and temporary duty stations are separated by four or more time zones. This provision applies to a rest stop at a temporary duty station prior to the beginning of a work status, and is therefore not applicable to the situation where the stop en route was not made at a temporary duty station prior to the beginning of a work status. B-202477, Dec. 23, 1981.

e. Need for approval of rest stop

As to travel during a service member's normal hours of rest, 1 JTR para. M4204-3d provides for a rest stop en route which has been authorized or approved by the order-issuing official. No basis exists upon which to authorize payment of the costs of a scheduled rest stop until that stopover has been authorized or approved by the order-issuing official. B-202477, Dec. 23, 1981.

f. Travel by government automobile

Marine Corps members who traveled by government van on temporary duty may be paid per diem for entire period of travel, where the circumstances of the travel do not show that it was performed in an unreasonable or imprudent manner. They departed permanent duty station 5:30 a.m., traveled 370 miles, and stopped travel at 3 p.m. Their departure at 5:30 a.m. was not unreasonable merely because it placed them on travel status during morning mealtime. In addition, they did not act unreasonably in traveling 600 miles in 2 days rather than 1 day on their return travel.
Proposal that they should have performed the travel in 1 day, involving about 11 hours’ driving time, would have imposed an unreasonable travel requirement.

The Comptroller General has no legal objection to an amendment of the Joint Travel Regulations (now JTR), if considered desirable by the service Secretaries, which would generally allow 1 day of travel time for per diem purposes for each 300 miles of temporary duty travel performed by government automobile, since that amendment would not be inconsistent with the governing provisions of the statutory law authorizing travel allowances for service members on temporary duty assignments, 37 U.S.C. § 404, nor with the requirement that federal personnel perform official travel in an expeditious manner. B-202733, Feb. 23, 1982. B-202733, Feb. 23, 1982. See 1 JTR para. U3200-C, U4310, and U5160-B for current rules.

4. Unintended delays

a. General rule use of POV

When travel by private vehicle incident to temporary additional duty is authorized on the basis of a factual determination that it will be more advantageous to the government, the member is regarded as performing temporary duty for the actual time necessary to perform the travel, and no leave is chargeable for this period. Per diem is payable for the entire time of travel. If the travel by privately owned conveyance is not authorized as more advantageous to the government, however, travel by that mode is considered to be for the convenience of the member. He is then considered to be in performance of duty only for the constructive travel time by common carrier, and he is chargeable with leave for the remainder of the actual time used in travel. Per diem is necessarily limited to the constructive travel time. B-171996, May 13, 1971.

b. Weather delays—no advance approval of POV travel

Member who traveled on temporary duty assignment from Fort Sheridan, Illinois, to Fort Benjamin Harrison, Indiana, by privately owned vehicle (POV) without securing advance approval that travel by POV was more advantageous to the government, and who was delayed en route by bad weather conditions, was not entitled to per diem for period of delay. The regulations provide that without such advance approval per diem for
travel is limited to that for constructive travel over usually traveled route by air or surface common carrier. B-175580, Sept. 5, 1972.

c. Mechanical difficulties—Aero Club aircraft

Air Force member who traveled on temporary duty using Aero Club aircraft which incurred mechanical difficulties causing a layover of 4 days may not be reimbursed per diem for the layover time since per diem in this circumstance may not exceed the amount which would have been payable had the member used such commercial transportation. 55 Comp. Gen. 1247 (1976).

d. Delays in obtaining port call and government transportation

Member under permanent change of station orders performed temporary duty en route for 2 weeks as directed in orders. Thereafter, he was required to wait 14 weeks for port call for overseas transportation, during which time he performed assigned duties at TDY station. There was additional 2 days’ delay pending departure from port of embarkation. Rule that per diem may only be paid for period of temporary duty stated in orders was not applicable to limit per diem entitlement to 2 weeks, since under Joint Travel Regulations per diem is also payable during periods of necessary delay awaiting further transportation, and thus member was entitled to per diem for entire period. B-173960-O.M., Nov. 11, 1971, citing 33 Comp. Gen. 98 (1953). See also B-180936, Jan. 6, 1975.

e. Delay en route due to family emergency

Member and dependent wife were traveling under permanent change of station orders from Homestead, Florida, to Incirlik, Turkey, when wife became ill on aircraft. Member and wife departed aircraft at Rome, Italy, where wife was hospitalized for 2 days. Such 2-day period is properly charged as leave to member, and he is not entitled to per diem or to reimbursement under 10 U.S.C. § 1040 as wife’s attendant, since no orders were ever issued authorizing him to act as non-medical attendant. B-174852, Mar. 14, 1972.

f. Automobile shipment delayed

Service members traveling under permanent change-of-station orders are eligible under the Joint Travel Regulations for additional travel time and monetary allowances for delays en route taken at ports to await delivery of
their automobiles, only if they demonstrate that the delays were caused by circumstances beyond their control. Hence, a Navy officer may not be allowed an additional 10-day travel time for a delay taken to accept delivery of his automobile at Norfolk, Virginia, while it appeared he could have avoided the delay by arranging for the timely shipment of the automobile prior to his departure from Bermuda. 66 Comp. Gen. 152 (1986).

5. Extended delays en route—avoidable or for personal convenience

a. Sightseeing stopover

While member on change-of-permanent-station travel arrived at Yokota AB, Japan, on April 22 but was booked on April 29 flight to Osan AB, Korea (his new duty station). Since transportation was available from Yokota prior to April 29 it would appear that the delay until that date was avoidable. Accordingly, charge to leave for delays was proper and per diem is not payable for such delay. However, since member traveled on April 21 and 22, leave should not be charged for April 22 and per diem and baggage handling charges are payable for those days. B-181509, Feb. 5, 1975.

b. Use of ship when air transport available

An Army officer, returning to his new permanent duty station in Hawaii from a temporary duty assignment in the United States, who is erroneously furnished transportation by commercial vessel to accompany his dependents authorized this mode of transportation to travel to the new station prior to issuance of the temporary duty orders, is indebted for the cost of the commercial vessel transportation, less the cost of transportation by military air. He is also properly charged with leave and denied per diem for the excess travel time. 49 Comp. Gen. 744 (1970).

c. Circuitous route

Member who is given erroneous port call information while performing circuitous travel to new duty station is not entitled to additional payments based upon such erroneous information under 37 U.S.C. § 404 and implementing Joint Travel Regulations. When authorized travel is performed on change of permanent station from old to new duty station by other than direct route, members of the uniformed services generally are entitled to reimbursement for travel and transportation costs actually
incurred, not to exceed those that necessarily would have been incurred for travel by direct or official route. B-180936, Jan. 6, 1975.

D. Amount of Per Diem
Government Quarters and Mess Available

See also Special Travel Categories, Chapter 5 of this title.

1. In general

a. Initial training—government provides quarters and meals

When orders are issued designating the first permanent duty station of newly enlisted airman who is at a training station taking a preliminary course of instruction, the airman may then be regarded as being “away from his designated post of duty” and in travel status. However, if government quarters and dining halls are available to him at the training station, so that he has no actual need to incur additional living expenses while in that travel status, he remains ineligible for per diem under the Joint Travel Regulations. This is consistent with the underlying statutory purpose of per diem, which is solely “to meet the actual and necessary” additional expenses of living during periods of travel. B-211545, Nov. 1, 1983.

b. Survival training—member provides own food and shelter

A Naval officer ordered to temporary duty to participate in survival training which requires personnel to forage for subsistence and to improvise their own shelter is considered to have been furnished rations and quarters. Therefore per diem may not be paid for the period of temporary training duty. 35 Comp. Gen. 555 (1956).

c. Space travel—quarters and food provided by government contractor

Member assigned to plant of government contractor to participate in space flight experiments under TDY orders stating that government quarters and messing facilities were not available, but who was furnished experimental diet in lieu of subsistence and quartered aboard space vehicle at no personal expense, was not entitled to increase per diem on basis that government quarters and mess were unavailable. 44 Comp. Gen. 326 (1964).
d. Direct government contracts for commercial lodgings or meals

The holding in 60 Comp. Gen. 181 (1981) regarding the limitation on use of appropriated funds to pay per diem or actual expenses where an agency contracts with a commercial concern for lodgings or meals applies to members of the uniformed services as well as to civilian employees of the government. 62 Comp. Gen. 308 (1983).

e. Air travel—quarters and food provided by commercial airline

The per diem payable to a member of the uniformed services who is furnished quarters by a commercial airline for a scheduled overnight delay in transit while traveling under a government transportation request need not be reduced, the accommodations furnished neither constituting government quarters, nor constituting quarters furnished by a government contractor incident to the performance of temporary duty. 46 Comp. Gen. 795 (1967).

f. Private rental of government quarters

A member of the uniformed services who, while in a travel status at isolated posts, is required to occupy government quarters which are assigned or occupied by other military or civilian personnel is regarded as occupying government furnished quarters so that a reduction in per diem is required. Military or civilian personnel who are required to provide lodging in their government-furnished quarters at isolated posts to other military or civilian personnel who are in a travel status may not charge for such accommodations. 36 Comp. Gen. 459 (1956).

g. Use of government VIP quarters

A member who, while on temporary duty, voluntarily moves into government VIP bachelor officer quarters for which there is a service charge may not, under current regulations, receive increased per diem equal to such service charge. This limitation is applicable even though moving into the government quarters may result in a savings of per diem to the government over that which would have been payable had the member occupied commercial quarters. B-183755, July 23, 1976.

h. Government quarters and mess unavailable due to travel schedule

Member who traveled to Los Angeles in afternoon after completing TDY assignment at China Lake, California, and utilized commercial facilities
prior to return flight to permanent station next day, in absence of specific authority in orders, was not entitled to increase per diem while in Los Angeles, since he could have remained at TDY station, where government quarters and mess were available, and could have utilized common carrier (bus) next morning to go to airport in Los Angeles for same return flight. B-177493, May 14, 1973.

2. Determination of availability

a. Factors for consideration

A member of the uniformed services at a temporary duty or delay point where a government mess is determined not to be available because of the distance between lodgings and the mess location, or because of the incompatibility of mess hours with duty hours, may be paid per diem at a rate authorized when a government mess is not available on the basis that a member in a travel status is not required to use inadequate facilities, unless a military necessity, and distance is a factor in determining the impracticability of utilizing a government facility. 52 Comp. Gen. 75 (1972).

b. Member’s erroneous belief that available quarters inadequate

Member on TDY assignment was informed that a double occupancy of government quarters would be required. He then secured commercial quarters based on his erroneous belief that he was entitled to single quarters since government quarters available were inadequate. He was properly denied certificate of nonavailability of government quarters and was properly paid per diem at reduced rate. B-174495, Mar. 7, 1972.

c. Quarters and mess available despite contrary statement in orders

Member whose TDY orders stated: “Government quarters and messing facilities will not be available (at TDY station)” was properly paid per diem at reduced rate and denied statement of nonavailability by TDY station commander, where such facilities were actually available. Since installation commander or other responsible officer at TDY station has duty to assign available and suitable government quarters, we have accepted determination by such officer unless, clearly, it is not in accord with actual circumstances. B-178537, July 13, 1973.
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d. Certificate of nonavailability revoked after TDY completed

Where order issued by TDY station commander authorized member to mess separately for the reason: “mess unavailable,” and this authorization was revoked following period of TDY, member was nevertheless entitled to increased per diem computed on basis that government messing facilities were not available, since member messing separately in reliance on original determination and since member’s post of duty at TDY station was 40 miles distant from main area of station. B-177586-O.M., May 1, 1973.

e. Failure to make messing facilities available

Officers of the uniformed services on temporary duty overseas in connection with operation Longthrust VIII who were issued certificates of nonavailability of a government mess for per diem subsistence payment purposes but such certificates were subsequently administratively invalidated because of an established policy requiring officers on temporary duty to be subsisted at enlisted field messes may have the nonavailability certificates regarded as a contemporaneous determination of the factual situation then existing regarding the nonavailability of a government mess (since the enlisted mess was not actually made available to them), and, therefore, per diem payments made to the officers need not be recovered. 44 Comp. Gen. 740 (1965).

f. Where use of government facilities may adversely affect mission

Three enlisted military members were on temporary duty as part of team with civilian employees at station where government quarters and mess were available for enlisted personnel but not for officer-level civilians. Entire team moved to commercial quarters. While civilians are entitled to full per diem, military members are not so entitled since mess and quarters were available unless the TDY order-issuing authority certifies that use of government quarters would have adversely affected mission. B-185376, Aug. 19, 1976.

E. Limitation of Per Diem Allowable

1. Amount of per diem—shared lodging

A military member traveling on temporary duty shared a lodging accommodation with another person (his wife) who was not entitled to lodging at government expense. In the absence of regulations providing otherwise, if he would have used the same accommodation at the single occupancy rate had he not been accompanied, he may be reimbursed on
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the basis of such single occupancy rate rather than at one-half of the double occupancy rate. If the hotel makes no distinction in rates between single and double occupancy, then the member may be reimbursed on the basis of the full room cost. B-194339, Feb. 7, 1980.

2. Use of recreation vehicle for lodging

Member who uses personal recreation vehicle for lodging while on temporary duty may not be reimbursed portion of the monthly purchase payment on his recreation vehicle for time in temporary duty status. Reimbursement of lodging expenses is to compensate a member for additional expenses he incurs while away from his permanent station. In the case of a member who chooses to reside in a personal recreation vehicle while on temporary duty, average lodging costs may include only such cost as parking space rental, utility connections, and shower fees in the computation of his per diem. See 1 JTR, paras. M4205-5 and M4007-4. B-1966968, July 1, 1980.

3. Lodging with friends or relatives

A claim by a member of the military for reimbursement of expenses incurred during temporary duty for lodging with a friend must be denied, even though the member paid his friend rent for lodging, since Joint Travel Regulations para M4205-1 provides that under such circumstances there may be no reimbursement for the cost of lodgings. 60 Comp. Gen. 57 (1980). But compare B-199683, Feb. 24, 1982, concerning the rental of separate quarters owned by friends or relatives.

F. Actual Expenses

1. Unusual circumstances

The Per Diem, Travel and Transportation Allowance Committee (for uniformed service personnel) and the General Services Administration (for civilian employees) may issue regulations permitting reimbursement to travelers on an actual expense basis based on unusual circumstances. 59 Comp. Gen. 560 (1980). See detailed regulation in 1 JTR para. U4200, which sets forth the specific circumstances of use.

2. Reimbursement for meals taken between permanent station and airport

A member of the Navy, authorized actual expenses while in a travel status, may be reimbursed for meals taken at normal meal times en route to and
from the airport servicing his permanent duty station, where the airport is a considerable distance from his station and he is scheduled to travel on non-meal flights. B-215736, Dec. 3, 1984.

3. Training conference—meals

Expenses of meals and snacks for civilian employees and uniformed service member participants at a Personnel Officers Training Conference sponsored by Coast Guard Headquarters may be paid as a training expense under 5 U.S.C. § 4109 for civilian employees and 14 U.S.C. § 469 for uniformed members since the meals were incidental to a formal conference that extended outside the meal session; the participants' attendance at the meals was necessary to full participation in the business of the conference; and the participants were not free to partake of meals elsewhere without being absent from an essential part of the program. B-244473, Jan. 13, 1992.

G. Temporary Lodging Expenses

1. Generally

The Uniformed Services Pay Act of 1981 added section 404a to Title 37 of the United States Code which provides that members of the uniformed services who are ordered to make a change of permanent station within the United States shall be paid or reimbursed for subsistence expenses incurred while occupying temporary quarters incident to their transfer. The allowance may not exceed a period of 4 days.

The legislative history of the Act indicates that it was designed to provide service members with an allowance similar to the temporary quarters subsistence expenses authorized for civilian employees.

2. Temporary quarters

An Air Force officer who was transferred from Arkansas to Texas claimed a temporary lodging expense allowance based on his continued occupancy of his permanent residence in Arkansas on a rental basis after he sold it. Since the member and his family continued to occupy the residence as their usual place of abode until they actually moved, the residence cannot be considered to have been his "temporary quarters" within the meaning of that term under the applicable statutes and regulations. B-225262, May 4, 1987.
3. Separate days for member and dependent(s)

The Comptroller General has no objection to a proposal to allow service members, on permanent change of station, up to 4 calendar days of temporary lodging expense allowances for themselves and up to 4 additional separate days of allowances on behalf of their dependents, subject to a maximum limit on reimbursement of $440. B-221732, Apr. 10, 1987.
A. Government Conveyance Directed

1. Government conveyance available but not used

The Joint Travel Regulations (see, 1 JTR para. U3115-B) provide that where travel is directed to be performed by government conveyance and such conveyance is available, but travel is performed by another mode of transportation, payment of the monetary allowance in lieu of transportation is prohibited. Therefore, a serviceman whose orders required travel by government air transportation which was available for a portion of the trip, is entitled to reimbursement for cost of travel by commercial air only for that part of the trip where government air transportation was not available. 31 Comp. Gen. 572 (1952). See also B-199731, May 8, 1981; and B-202477, Dec. 23, 1981.

An Air Force enlisted member's temporary duty travel orders directed travel by government air and referred to a “dedicated airlift” which would be available for his use in returning directly to his permanent duty station. Since the orders did not clearly state that the dedicated airlift was the only flight for him to use, he need not reimburse the government for the cost of his travel for a portion of the trip for which he used a different government flight to return to his permanent duty station. B-210197, June 6, 1983.

2. Transportation officer erroneously authorizes commercial transport

An Army officer, returning to his new permanent duty station in Hawaii from a temporary duty assignment in the United States, who is erroneously furnished transportation by commercial vessel to accompany his dependents authorized this mode of transportation to travel to the new station prior to issuance of the temporary duty orders, is indebted for the cost of the commercial vessel transportation, less the cost of transportation by military air. The member is also properly charged with leave for the difference in time between air and surface transportation. The transportation officer, limited under the member’s orders to authorizing transportation by commercial air if military aircraft was not available, exceeded his authority in furnishing transportation by commercial vessel. Also, since the member was returning to his station under temporary duty orders, his travel was not within the scope of the Joint Travel Regulations provision authorizing commercial vessel travel concurrently with dependents under permanent change-of-station orders. 49 Comp. Gen. 744 (1970).
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B. Government
Conveyance Not Directed

1. Travel by commercial airline

Marine Corps member and his dependent performed, at personal expense, circuitous transoceanic travel by commercial airline authorized by permanent change-of-station orders. He is entitled to reimbursement at Military Airlift Command rates for direct travel between duty stations despite having used commercial airline's reduced military fare contrary to Department of Defense (DOD) instruction providing that such fares may not be used by active duty members whose travel will be paid by DOD. B-198660, Aug. 19, 1980.

2. Personal business

A member's claim for reimbursement of a collection made against him for the cost of traveling on a government aircraft pursuant to personal business is denied when the member alleges that he was eligible for space available travel but does not offer documentary evidence demonstrating that he would have been permitted to board the flight taken as a space available passenger. Major David K. Saffle, USMC, 69 Comp. Gen. 164 (1990).

C. Use of Government Transportation Requests (TR)

1. Commercial transportation authorized—TR available

For travel within the United States, when TRs are available to the traveler at the time and place required and the traveler procures transportation on common carriers at his own expense in amounts of $100 (plus tax) or less under an individual travel order, he may elect to receive reimbursement for the actual cost of transportation for the mode of transportation authorized and actually used. For amounts over $100, the member may elect the same procedure, but his reimbursement may not exceed the cost to the government for authorized transportation had a TR been used. B-163758, July 24, 1972. Also see, 1 JFR para. U3110.

2. When TR not available

Where Army member received TDY orders Friday evening in Tulsa, Oklahoma, directing he report to Durham, North Carolina, the following Monday morning and authorizing travel by public carrier, member was entitled to reimbursement as though TR was not available even though he made no effort to apply for one, since it was unlikely he could have obtained TR under the circumstances. B-170423, Feb. 18, 1972.
When travel orders given to military members specify travel by commercial airline with government TRs to be used, and the members are unable to obtain the transportation requests, and instead personally pay for their commercial flights, they may be reimbursed if an appropriate official certifies that the transportation requests were not available to them. Such certification does not entail a retroactive modification of the travel orders and is instead simply a factual determination concerning the conditions that existed at the time the travel was performed. B-219958, Sept. 26, 1986.

D. Use of Privately Owned Vehicles (POVs)

1. When prohibited

   a. Express prohibition in orders

   Member directed to travel from Detroit, Michigan, to Great Lakes, Illinois, for medical observation was not entitled to mileage allowance, where travel by rail was directed and orders stated, “POV will not accompany EM,” but member nevertheless performed travel by private auto. B-146525, Aug. 30, 1961. See also B-182918, Mar. 6, 1975.

   b. Group travel—commercial transportation directed

   Under orders which directed a unit to move from Fort Campbell, Kentucky, to Fort Indiantown Gap Military Reservation, Pennsylvania, for TDY of approximately 90 days, and which specifically directed travel by commercial air except for certain designated members authorized travel by POV, unit member not so designated but who chose to travel by POV was not entitled to any mileage allowance. B-173064, June 30, 1971.

2. When POV authorized

   a. As advantageous to government

   Where points between which travel is performed are adequately served by common carrier and no duty is directed en route requiring the use of a POV, there is no proper basis for a determination that use of POV is more advantageous to the government. When member is authorized travel by POV, but the use of such transportation is not approved as advantageous to the government and instead is authorized for member’s personal convenience, mileage allowance must be computed at reduced rate and

b. Permitted for member's convenience

Marine Corps member on temporary duty assignment commuted 120 miles daily between his permanent residence and temporary duty station. He is entitled to be paid mileage allowance for such travel, but not to exceed amount of per diem, etc., he would have received had he remained at temporary duty station. The commuting travel was not approved as advantageous to government. Instead it was permitted for reasons of member's personal convenience. B-186677, Sept. 29, 1976. See also B-206503, Nov. 30, 1982.

3. Reimbursable POV expenses

a. Mileage allowance in lieu of actual expenses

It is the established rule that mileage allowances authorized by statute in lieu of transportation costs or expenses, unless otherwise qualified, are intended as a commutation for all transportation expenses, including such items as road and bridge tolls, ferry fares, and the like. Consequently, the actual expenses for any such items are not properly payable in addition to the mileage allowance. 34 Comp. Gen. 531 (1955).

b. Insurance and other expenses

The cost of automobile insurance, like the cost of fuel, oil, repairs, and depreciation, is one of the expenses of operating an automobile, which expense is reimbursed to the member through the mileage allowance. Therefore, the cost of additional insurance is in fact reimbursed in the mileage rate paid and may not be reimbursed as an out-of-pocket expense. 54 Comp. Gen. 620 (1975).

c. When actual expense reimbursable

No legal objection exists to authorizing the amendment to the Joint Travel Regulations to provide for reimbursement to members of the uniformed services on temporary duty for the actual expenses incurred for operating Povs when it is determined that the use of such vehicles is advantageous to the government and reimbursement is limited to the cost of gasoline, oil,

d. Transportation expenses caused by breakdown of POV and resulting delay

Based on travel regulations allowing 1 day of travel time for each 350 miles of official distance, member was authorized a total of 8 days to go from his old duty station to a leave point to his new station. The fact that the member's car broke down on the seventh day en route to the leave point, which he would have reached in 6 days if he had traveled 350 miles per day, does not preclude him from being allowed time to account for the resultant delay, since his orders did not break the authorization into segments, and the breakdown was within the total authorized travel time. Colonel William J. Camp, USAF, B-241848, Aug. 23, 1991.

e. Repairs necessary due to accidents while using rental cars

An Army officer was authorized to rent a car for use with another officer while on temporary duty. An accident occurred while the car was driven by the other officer. This officer, though not specifically authorized to rent a car on his travel order was authorized to use the car for official business. Since the accident occurred while the driver was performing official business, payment may be made to the rental company for the deductible amount of damages required by the rental contract. 65 Comp. Gen. 253 (1986).

An Army member was authorized to rent a car for use with other Army members while on temporary duty. The vehicle was damaged while being driven by another member authorized to drive and the circumstances of the damage are unknown. Under the rental agreement, the renter was liable for up to the first $500 damage and he paid the rental company $141 for the damage. Since the damage occurred while the vehicle was being used for official business, he may be reimbursed for the payment. B-220779, Apr. 30, 1986.
E. Travel to and From Carrier Terminals

1. Mileage allowance authorized

See 1 JTR para. U3320.

2. Not local travel—lower mileage allowance rate

One-way trips by members of the uniformed services between residence or duty station and carrier terminal incident to the beginning or ending of travel away from a permanent duty station are to be distinguished from travel on official business within the limits of a duty station, reimbursable under section 2(m) of the Act of September 1, 1954. The reimbursement authority for commutation of such one-way trip expenses on a round-trip mileage basis under section 303(a) of the Career Compensation Act of 1949, is subject to the 7-cents-a-mile maximum fixed by section 303(a) of the Career Compensation Act of 1949. 39 Comp. Gen. 464 (1959). See also B-206503, Nov. 30, 1982. For current authorities, see 37 U.S.C. §§ 404-411.

3. Flight canceled—mileage and parking fees allowed

An officer of the uniformed services used his privately owned automobile to reach his airport departure point under orders authorizing travel to attend a conference. He was prevented from departing due to adverse weather conditions and returned home after an absence of 4 hours. The officer is entitled to a travel allowance under the Joint Travel Regulations, which authorizes mileage for one round trip from home to airport, plus parking fees, not to exceed the cost of two taxicab fares between those points. 52 Comp. Gen. 452 (1973).

4. Use of taxicabs and other public carriers

Member on temporary duty assignment was required by circumstances of adverse weather conditions to travel by taxicab from St. John's to Gander, Newfoundland, Canada, to meet connection flight to Gander International Airport. Payment of full taxi fare may be made under the Joint Travel Regulations, which authorize reimbursement for taxicab, bus, streetcar, subway, or other public carrier fares between carrier terminals when necessitated by change in mode of transportation or when free transfer is not provided. B-178022-O.M., Aug. 20, 1973.
5. Travel to air terminal that is not a local terminal

An officer of a uniformed service used his car to perform two round trips between his residence, Fallbrook, California, near Camp Pendleton and the San Diego, California, air terminal, in the course of performing temporary duty travel. His claim for mileage for the two round trips between his residence and the airport may not be paid under item 1 of subparagraph M4401-2 of the Joint Travel Regulations (now 1 JFTR para. U3320) since the San Diego terminal is not a local terminal with respect to his residence. However, he may be reimbursed for one round trip. B-191624, July 5, 1978. See also B-206503, Nov. 30, 1982; and B-198330, May 5, 1981.

F. Travel at TDY Station

1. In general

Transportation expenses incurred by members of the uniformed services in the conduct of official business at temporary duty stations may be reimbursed in the same manner as for reimbursement of such expenses at permanent duty stations to the extent that payment is not currently provided as incident to the temporary duty orders. 35 Comp. Gen. 680 (1956).

2. Taxicab between quarters and place of duty

The use of taxicabs by members of the uniformed services for travel between their lodging and place of temporary duty when the lodging is so remote from the temporary duty station that it is not reasonably accessible by public conveyance and when the travel requires an excessive expenditure of personal funds is considered travel on official business to entitle the members to reimbursement for the actual expenses, provided that the expenses are administratively approved. 42 Comp. Gen. 612 (1963). See also 1 JFTR para. U3510.

3. POV or public carrier to duty station and restaurants

To provide the same entitlements for local transportation costs to members of the uniformed services as are authorized for civilian employees by the Standardized Government Travel Regulations, member at a temporary duty station for travel between place of lodging and place of business may be reimbursed the cost of bus or streetcar fare. Also, taxicab fare and use of POV for such travel may be allowed when authorized or approved as advantageous to the government. In addition, the expense of travel to the nearest available eating place is considered...
necessary transportation not incidental to subsistence and, accordingly, the Joint Travel Regulations may be amended to provide the same reimbursement right as authorized by the civilian regulations, including expense of daily travel to procure meals, bus or streetcar travel, taxicabs, and mileage. However, 37 U.S.C. § 404 governs within and without station travel for the entire trip. 45 Comp. Gen. 30 (1965). See also 1 JFTR para. U3510.

4. Interstation travel

Member of the Marine Corps traveled by privately owned vehicle from his home in Springfield, Virginia, to Quantico, Virginia, in order to perform temporary duty. Member’s travel is interstation travel and therefore payment of his travel allowance is governed by 37 U.S.C. § 404 and the implementing regulations. However, Comptroller General has no objection to proposed amendment to regulations that would result in separate cities or installations in close proximity being classified as within a “local commuting area” for purposes of payment of a mileage allowance at the higher rate authorized by 37 U.S.C. § 408. 59 Comp. Gen. 397 (1980). See also B-206503, Nov. 30, 1982, and 1 JFTR para. U3500.

5. Local travel

The Joint Travel Regulations may be amended to expand the definition of the term “area” in paragraph M4500-2 to reflect the view that the area intended to be covered under 37 U.S.C. § 408 for reimbursement for travel in the vicinity of a duty station is the normal commuting area of the station concerned. However, in implementing the proposed amendment an arbitrary mileage radius should not be established in setting up the local commuting areas of permanent and temporary duty stations. 59 Comp. Gen. 397 (1980). See also B-206503, Nov. 30, 1982. See also 1 JFTR para. U3500.

6. Mileage by pov to obtain meals

Navy employees claim mileage at their temporary duty station in order to obtain meals. The employees’ claims are denied since the record supports the agency’s determination that the claims are not allowable as a necessary expense of travel since adequate restaurant facilities were available in the immediate vicinity of the temporary duty station. Although the employees’ travel orders authorized such mileage, this authorization was of no effect because it is contrary to a specific provision in the governing Federal Travel Regulation. Russell J. MacAffee, et al., B-243393.2, Apr. 10, 1992.
A military member was issued temporary duty travel orders authorizing a rental car at a 9-day workshop where the member's lodging and meals were available. The evidence now before the Comptroller General does not show that the authorization was clearly erroneous, and based on that evidence, the travel orders should not be retroactively changed to deny reimbursement of the member's car rental expense. The agency sponsoring the workshop recommended a rental car to obtain meals and travel to and from the airport, and the car was to be available if the member traveled to a temporary duty site. The subjective determination as to whether meals for 9 days at the workshop location were "not suitable" so as to justify a rental car was a discretionary management decision upon issuance of the travel orders. Peter R. Maloney, B-229466, Dec. 5, 1988.

G. Special Conveyances

1. Hire for extended travel

a. May be authorized

A Coast Guard member who is required to perform official travel to a place not served by common carriers under circumstances not permitting transportation by government vehicle, and who is authorized by proper orders to hire a special conveyance (taxicab, U-Drive car, airplane, etc.) to perform such travel, may be reimbursed under provisions of the Joint Travel Regulations. 33 Comp. Gen. 563 (1954).

b. Taxicabs

Army member whose TDY orders authorized travel by "rail," but who elected to travel to TDY station by taxicab, was not entitled to reimbursement of taxi fare, since hire of special conveyance was not authorized in orders and since travel performed did not come within provision of Joint Travel Regulations which authorizes reimbursement for taxicab fares incident to travel to and from "carrier terminals." However, member was entitled to mileage allowance authorized. 33 Comp. Gen. 390 (1954).

c. Rented commercial aircraft

Air Force officer claims reimbursement for using rented commercial aircraft under blanket temporary duty travel order which required a specific justification and approval for each use of a special conveyance. In this case, no such justification and approval were made. Regardless of
possible application of DOD Instruction which prohibits use of leased commercial aircraft without proper authorization, under Joint Travel Regulations member is not entitled to reimbursement since he did not have required approval for use of rented aircraft. Thus member is entitled only to mileage allowance for travel at personal expense. B-185853, Sept. 21, 1976.

2. Aero club aircraft

a. Constitutes government conveyance

Use by Air Force officer on official travel of aircraft which was loaned by Department of the Air Force to the Air Force Academy Aero Club—which was given full operational control of aircraft—nevertheless constitutes use of a government conveyance within the meaning of the Joint Travel Regulations. Those regulations authorize payment of monetary allowance in lieu of transportation for use of commercial or privately owned transportation and precludes such allowance for use of government conveyances. However, amounts paid by the officer for gas and other necessary expenses are for reimbursement if supported by receipts. 38 Comp. Gen. 366 (1959).

b. Flying fees

The hourly flying fee charged an Air Force officer by the Air Force Academy Aero Club for the use on official travel of aircraft loaned to the Club may be considered a reimbursable travel expense item under the Joint Travel Regulations, which provide that, in unusual circumstances, expenses of operation of government conveyances incurred by the traveler may be reimbursed. 40 Comp. Gen. 587 (1961).

c. Airport fees—"tie-down" fees

Charges paid for the protection and safeguard of Air Force Academy Aero Club aircraft left overnight at commercial airports when government facilities are not available may be considered as in the nature of storage expenses which are reimbursable under the Joint Travel Regulations when a government conveyance is used for official travel. 40 Comp. Gen. 587 (1961).
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d. Aircraft destroyed—insurance

See 1 JFTR para U3415.

e. Mechanical breakdown—return to permanent station

Air Force member who traveled on temporary duty using Aero Club aircraft which incurred mechanical difficulties may not be reimbursed for travel to and from San Francisco, his permanent duty station, while waiting for the aircraft to be repaired, since the trip was not a necessary expense pursuant to public business but an expense as a result of a personal choice. 55 Comp. Gen. 1247 (1976).

f. No precedence over normal government conveyance

The use of Aero Club-owned or government-loaned aircraft is considered a government conveyance when used as a mode of official travel but under current regulations such use will not take precedence over normal government conveyance irrespective of whether use of the aircraft may be considered advantageous to the government. 55 Comp. Gen. 1247 (1976). See also 1 JFTR para U3210.

g. Reimbursement—constructive travel limit

The determination of the constructive transportation cost ceiling on Air Force travel vouchers involving Aero Club aircraft or private aircraft by including the commercial fares for the operator (pilot) plus corresponding fares for any passengers accompanying the operator who are also in an official travel status does not appear to be improper. 55 Comp. Gen. 1247 (1976).

3. Transoceanic ferries

There is no authority in current regulations under which full fare (including that part attributable to transportation of the automobile) for hovercraft crossing of the English Channel may be paid incident to temporary duty travel of military personnel. However, payment of such full fare would not be objectionable under appropriate regulations if travel by automobile, including transoceanic ferry service, is specifically authorized as advantageous to the government since the transportation of the automobile may be considered as incident to authorized travel of the member in appropriate circumstances. 55 Comp. Gen. 1072 (1976). See 1 JFTR para U3110-E.
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4. Privately owned sailboat

A service member authorized reimbursement of the cost of transoceanic transportation used when performing travel upon PCS who traveled by privately owned sailboat may be reimbursed only necessary expenses directly connected with the operation of the vessel (fuel, oil, and docking fees), provided they do not exceed the amount which would have been paid by the sponsoring service for available government transportation. B-197402, Sept. 16, 1980.

5. Property damages

Direct payment may be made to car rental company on behalf of military member who rented the car where the car was damaged by another member operating it recklessly, and for personal business, but the government also should collect any amounts it pays the company from the member who caused the damage. Major J.P. Donato, 68 Comp. Gen. 309 (1989).

H. Circuitous Routes

1. In general

Navy member on permanent change of station from Antarctica to Bainbridge, Maryland, instead of normal route (Christchurch to Auckland, New Zealand, by foreign carrier, and by Category “Z” American air to Travis Air Force Base, California), traveled circuitously for personal reasons, using foreign air for overseas travel except from Lima, Peru, to Miami, Florida. Since American air was available via the direct route from Auckland to Travis, reimbursement not to exceed government cost from Christchurch to Travis may be paid for cost of travel from Christchurch to Auckland and from Lima to Miami but not for costs of other foreign travel. 54 Comp. Gen. 850 (1975). See also B-191681, Nov. 21, 1978; and B-198341, Apr. 28, 1981.

Service member was assigned on an emergency, permissive basis to a unit near his family en route to a permanent change of station from Germany to Seneca, New York, and subsequently was directed to report to Seneca. Member should be reimbursed for his travel in accordance with the orders issued to him, which authorized reimbursement for travel from Germany to St. Louis, which facilitated the permissive assignment, and per diem and mileage limited to that applicable for travel to Seneca from Philadelphia.
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the port to which he otherwise would have flown from Germany. S. Sgt. Jerry W. Weist, 69 Comp. Gen. 537 (1990).

Notwithstanding orders directing a member to report to a specific port of embarkation incident to transfer overseas, the member's entitlement to travel allowances is based on travel from the appropriate port of embarkation serving his temporary duty station when the orders do not direct travel to some other point. Major David K. Saffle, USMC, 69 Comp. Gen. 164 (1990).

2. Delivery of automobile—port selected for personal convenience

A provision of the Uniformed Services Pay Act of 1981 authorized a new travel allowance for service members transferred overseas to reimburse them for the expenses of taking their automobiles to and from ports of shipment. That provision does not allow reimbursement for trips taken over unnecessarily circuitous routes to and from ports selected for personal convenience, for example, to accommodate travel to a desired leave location. Hence, a transferred Navy petty officer who was ordered to proceed from California to Charleston, South Carolina, to board a military flight to a new duty station in Panama, and who could have delivered his automobile to the port in Charleston for overseas shipment, may not be allowed additional travel allowances predicated on his election to take leave en route in Massachusetts and to deliver his automobile instead to a port in New Jersey. B-215123, Dec. 4, 1984.

I. Use of Foreign Air Carrier Prohibited

1. General rule

An Army member who travels with dependents to an overseas location on a foreign airline (one not holding a certificate under 49 U.S.C. § 1371) is not entitled to reimbursement for such travel since reimbursement for travel on a foreign airline is prohibited by 49 U.S.C. § 1517 and paras. M2150 (now 1 JPTR para. U3125-C) and M7000-8 (now 1 JPTR para. U-5222), 1 Joint Travel Regulations, when United States certificated carriers are available. B-193419, Mar. 29, 1979. See also B-198872, Feb. 20, 1981; and B-203625, Feb. 22, 1982; B-206723, Oct. 21, 1982.
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2. Justification certificate

A service member may execute a justification certificate regarding "unavailability" of United States-flag air carriers. Paragraph M2150-3(1), 1 JTR (now JFTR para. U3125-C3), defines United States-flag air carrier passenger service "unavailable" if a traveler, en route, has to wait 6 hours or more to transfer to a United States-flag air carrier to proceed to destination. However, it does not apply to a service member waiting to begin travel but not "en route" from origin airport to destination and does not apply if only military reduced-rate seats are unavailable when other seats are available. Service member executing such a justification certificate as the basis for United States-flag air carrier "unavailability" when it does not apply may not be reimbursed for travel performed on foreign-flag air carrier. B-195302, Oct. 17, 1979.

A statement by a service member that U.S. air carrier serving Okinawa was overbooked and, therefore, unavailable does not provide adequate justification for his travel by foreign air carrier from California to Honolulu and from there to Tokyo, en route to Okinawa. Adequacy of justification is to be determined in accordance with the Fly America Act standards of unavailability set forth in the Joint Travel Regulations, vol. 1, para. M2150 (now JFTR para. U3125). When a U.S. air carrier cannot provide through service between origin and destination, these standards require the member to use U.S. air carrier service available at point of origin to the farthest practicable interchange point on a usually traveled route. B-219850, Feb. 18, 1986.

3. Basis for justification

Joint Travel Regulations' provisions implementing 49 U.S.C. § 1517, commonly called the Fly America Act, may not be changed to permit the greater use of foreign air carriers on the basis of their lower transportation costs. However, the provisions should be changed to be consistent with the 1980 amendment to the Act, which permits greater use of foreign air carriers to avoid undue delay. B-207637, Nov. 10, 1982.

4. Overseas travel—dependents

Member may not be reimbursed for costs of dependent's travel on foreign air carrier in connection with authorized travel in the absence of showing unavailability of a U.S. carrier, even though he was unaware of the Fly America Act requirement to use a U.S. carrier. Also, he is responsible for the cost of travel regardless of any administrative error and even though a
travel agent stated, subsequent to the travel, that U.S. carriers were unavailable. Major General Isaac D. Smith, B-234719, Sept. 15, 1989.

J. Use of Travel Agency

Travel agencies may be used to secure passenger transportation under the conditions set forth in 1 JFTR para. U3120.
Chapter 4

Miscellaneous Reimbursable and Nonreimbursable Travel Expenses

A. Quarters Rented but Not Used

1. Travel delays—necessary expenses

Reserved hotel rooms could not be used by a group of military and civilian personnel traveling on official business overseas because the government airplane on which they were traveling was delayed due to mechanical difficulties and weather, and because the notice of cancellation of the reservations arrived too late to permit the hotel to rent all of the reserved rooms. The cost of the rooms may be considered as a necessary expense incident to the authorized project flight and the claim paid. 41 Comp. Gen. 780 (1962).

2. Recall to permanent station

A Navy officer was unable to fulfill his temporary duty assignment because he was recalled to his permanent station for emergency duties a few hours after arrival at the temporary duty station. The advance payment for the rental of a hotel room may be reimbursed in addition to taxi fare and tips for handling baggage at the air terminal since the officer under proper orders rented the hotel room due to the unavailability of government quarters. The reimbursable hotel charge is considered an administrative expense chargeable to the appropriation for Operation and Maintenance, Navy. 51 Comp. Gen. 12 (1971).

3. TDY at different places—service charge or double rental required

a. Additional service charge

An officer was involuntarily assigned to bachelor officers quarters at his temporary duty station, Clark Air Base (AB) in the Philippines. He was directed to maintain those quarters while deployed to Taiwan because of adverse weather conditions. For the period August 8 through October 1, 1972, he was paid the maximum locality per diem rate of $13. The officer is entitled to reimbursement of the $2 per day service charge he paid during his absence from the AB notwithstanding paragraphs of the Joint Travel Regulations against increasing a maximum locality rate. The service charge is not a rental fee but is intended to defray operating expenses, and as the service was not agreed to by the officer, or required to be furnished during his absence, the reimbursement did not constitute additional per diem. 52 Comp. Gen. 917 (1973).
b. Double rental for personal convenience

Navy member sent on 6-month temporary duty assignment to Misawa, Japan, and other places, who maintained unoccupied government living quarters at Misawa as a matter of personal convenience and for storing personal belongings during short period when performing additional duty in the Philippines and Korea, and while on leave at Kyoto and Tokyo, Japan, is not entitled to reimbursement for room charges incurred during such periods either as per diem or as necessary miscellaneous expense incidental to official travel. B-188415, July 6, 1977.

B. Telephones—Change of Permanent Quarters

1. Reconnection charges

Claim that reimbursement of telephone reconnection charges should be paid under same authority as other utility charges incurred incident to a required relocation of Air Force member, not constituting a permanent change of station, may be paid. Payment in such cases is not prohibited by 31 U.S.C. § 679 (now 31 U.S.C. § 1348), which precludes the payment of any expense in connection with telephone service installed in a private residence. 56 Comp. Gen. 767 (1977).

2. Relocation of telephone for temporary period

The National Park Service may use appropriated funds to install private telephone service in residence of employee who was required to temporarily vacate his government-furnished residence for about 2 1/2 months during renovation. It is doubtful that Congress intended to preclude payment in such cases when enacting 31 U.S.C. § 1348 (a)(1) (1982), which generally prohibits the payment of any expense in connection with telephone service installed in a private residence. Airman First Class Vernel J. Townzel, B-213660, May 3, 1984, overruled. Timothy R. Manns, 68 Comp. Gen. 307 (1989).

3. Government-procured service

Because of necessity to ensure telephone service in the Air Deputy's residence upon his occupancy of quarters in Norway, telephone service was secured by the U.S. government under long-term lease. The residence was vacant for 2 months between incumbents, but the telephone charges continued to accrue. Although 31 U.S.C. § 679 (now 31 U.S.C. § 1348) prohibits using appropriated funds for telephone service in a private residence, the statute is not to be applied here where neither the
C. Baggage Handling

1. General rule

The tips given exclusively for handling government property at hotels may be reimbursable to members of the uniformed services, and the Joint Travel Regulations may be amended accordingly, the rule that a tip is an incidental expense item included in a member’s per diem applying only to personal baggage. However, reimbursement may not be authorized for tips or fees incurred in handling a member’s personal baggage as well as government property at hotels except to the extent a separate charge or additional cost is experienced for handling the government property. 48 Comp. Gen. 84 (1968).

2. Failure to itemize reimbursable amounts

Where member claimed reimbursement for expenses incurred for “unloading, movement, checking, loading, and transport of baggage,” but statement submitted did not disclose which items were reimbursable expenses under requirements and limitations of regulations, no amount could be paid on claim. 40 Comp. Gen. 140 (1960).

3. Excess baggage

Member incurs excess baggage costs while traveling on commercial airline. Under 1 Joint Travel Regulations, para. M4404 (now 1 JTRF para. U3610-A), such costs may be reimbursed member if authorized before travel or approved after travel by appropriate Army officials. Since excess baggage costs were neither authorized nor approved, member may not be reimbursed. B-195585, Feb. 21, 1980.

4. Baggage lost or stolen

A Coast Guard officer on temporary duty placed liquor intended for his personal use aboard a Coast Guard aircraft on which he was to fly from the state of Washington to Alaska. The liquor was lost before the officer reached Alaska. Whether the member may be reimbursed for his loss is for determination by the Coast Guard under the Military Personnel and Civilian Employees’ Claims Act of 1964 which provides that claims may be
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Miscellaneous Reimbursable and Nonreimbursable Travel Expenses

allowed only if possession of the property under the circumstances was reasonable, useful, or proper, and if the loss was not caused by the officer's negligence. Settlement is final and conclusive if statutory conditions are met. B-195295, Nov. 14, 1979.

D. Other Miscellaneous Expenses

1. Airport taxes

The airport fees military and civilian personnel are required to pay when departing from airports incident to the official travel of themselves and their immediate families and dependents are reimbursable, if the charges are reasonable, as transportation expenses. The basis for payment is the Supreme Court ruling that a user fee imposed on departing passengers does not involve an unconstitutional burden on interstate commerce, and that if the funds received by local authorities do not exceed airport costs, it is immaterial whether they are expressly earmarked for airport use. However, as fees imposed on arriving passengers are held to be an unreasonable interference with interstate commerce, they may not be reimbursed, but if found valid upon appeal, reimbursement is authorized on the same basis as departure fees. 52 Comp. Gen. 73 (1972).

2. Traveler's checks

Reimbursement to members of the uniformed services for the cost of purchasing traveler's checks, whether the related travel is performed within or without the United States may be authorized without regard to the value of the checks purchased in view of the broad authority for reimbursement in connection with the travel of members and their dependents, and the Joint Travel Regulations may be amended accordingly. (See 1 JTR para. U4520.) This brings reimbursement for the cost of traveler's checks for travel within the United States in line with the long recognition that the cost of traveler's checks incident to travel outside the United States is a valid expense. 51 Comp. Gen. 606 (1972).

3. Passports

a. No travel performed

Air Force member who obtained passport in preparation for overseas TDY assignment, but who was separated from active duty without having undertaken TDY assignment, was not entitled to reimbursement for passport fees. There is no authority for reimbursement of such fees

b. Extra travel to obtain passport

A member may not be reimbursed for travel expenses incurred due to extra travel to obtain passports for a permanent change of station where no travel orders are issued authorizing such extra travel. Also, the charge to leave for the time the member spent obtaining the passports is a matter within the discretion of the service and will not be disturbed. B-195586, July 15, 1980.

4. Ice for cooling water

The term “other similar incidental expenses” as used in the Joint Travel Regulations, providing that per diem allowance is designed to cover room rentals, meals, tips, laundry, and “other similar incidental expenses,” includes the cost of ice for cooling drinking water. Therefore, the cost of ice deemed necessary to cool water in order to make it potable for members of the uniformed services who are receiving per diem while on detached duty is not an expense for which the government is liable. 31 Comp. Gen. 501 (1952).

5. Dependents’ expenses

a. Award ceremonies

There is no authority for the Secretaries concerned to issue regulations authorizing the payment of travel and transportation expenses of dependents of civilian employees or military members to accompany such employees or members who are receiving honor awards. Also, there is no authority for the payment of travel and transportation expenses of such dependents to receive awards themselves. 55 Comp. Gen. 1332 (1976). But see 1 JFTR para. U7700.

b. Bonuses—travel certificates—acceptance—dependents

Dependent students of a military member may retain nontransferable travel certificates received from an airline as a result of a 24-hour flight delay. General rule that discount coupons and other benefits received in the course of official travel are the property of the government does not apply in the case of benefits received by dependents of government
employees or military members whose travel is paid for by the government but who are not eligible for per diem payments. Colonel Michael L. Carr, USAF, 70 Comp. Gen. 50 (1990).

6. Telephone charges, athletic equipment, banquets, entertainment, alcoholic beverages, etc.

Members on temporary duty to attend courses offered by certain universities may not be reimbursed for telephone installation and service charges (when for personal convenience), gym outfits (unless gym classes are part of curriculum), or expenses for alcoholic beverages. There is no basis to authorize TDY allowances for dependents in connection with "Graduation (Wives) Week." Also, "Cape Cod Weekend" expenses, "Can Group" dinner expense, and pro rata share for entertainment cannot be considered "extraordinary costs of banquets attended in connection with official business as a part of a conference or meeting." Moreover, such expenses may not be considered in determining level of per diem, since purpose of per diem is to offset necessary subsistence costs of travel. B-174464, Feb. 28, 1972.

7. Costs of babysitting and gasoline

Member on permanent change of station from California to New Mexico who performs relocation at personal expense is not entitled to reimbursement for babysitting and for gasoline for return trip to California to get dependents, in absence of authority for such reimbursement. Such expenses are the nature of miscellaneous costs for which a dislocation allowance was paid to member. B-184023, July 29, 1975.

8. Trip cancellation insurance

A member of the uniformed services purchased trip cancellation insurance when he obtained charter flight accommodations. It is the policy of the government to insure its own risks of loss. Trip cancellation insurance is not a reimbursable travel expense unless it can be shown that the insurance is an inseparable part of a travel package which provides special or reduced fares at a savings to the government. 58 Comp. Gen. 710 (1979).
9. Laundry expenses

An Army member's claim may not be allowed for commercial laundry expenses incurred while he was on temporary duty in Cairo, Egypt, and was entitled to per diem at the full rate authorized when government-furnished quarters are used. While under applicable regulations reimbursement of certain necessary incidental expenses in addition to per diem is permitted if approved as being necessary to the successful performance of the related duty and as in the interest of the government, in this case such authorization was not given. In any event, laundry expenses are generally considered as subsistence expenses covered by the per diem allowance the member received. B-205354, June 2, 1982.

10. Animal quarantine fee

Animal quarantine fee incurred for family at service member's temporary duty station while en route to new duty station incident to transfer may not be reimbursed because it is not an allowable transportation or transportation-related expense. Further, the fact that the member was allowed accompanied travel with temporary duty en route does not permit payment of a fee incurred because the family pet was traveling with the family. B-205577, May 18, 1982.

11. Temporary lodging to testify at court-martial

Member of the Air Force whose permanent change of station was put on administrative hold so that he could testify in a court-martial proceeding may be reimbursed for 2 days' temporary lodging only, as provided by law under the circumstances, and is not entitled to further reimbursement. Technical Sergeant James W. Westgate, USAF, B-248293, Sept. 10, 1992.

12. Loss of money due to unfavorable rate of exchange

A military member may not be reimbursed for a loss of $81.01 he sustained in reconverting Honduran lempiras back to U.S. dollars at an exchange rate less favorable than the rate in effect on the date he converted dollars to lempiras. As a general rule, with limited exceptions not relevant here, the risk of incurring an exchange loss upon converting currency advanced for the purpose of temporary duty in a foreign country lies with the member. See 63 Comp. Gen. 554 (1984). B-222267, Oct. 10, 1986.
13. Credit cards—exchange rates

A military member on temporary duty in Germany used his personal credit card to charge the cost of renting automobiles for official business on three occasions. He received invoices stating the cost in deutsche marks and U.S. dollars and was reimbursed the dollar amounts stated. His credit card company billed him more than the dollar amounts on the invoices because it used a different exchange rate than did the automobile rental company. Since the member incurred the rental costs in deutsche marks, he should be reimbursed consistent with the general practice for reimbursing a traveler on official duty overseas for charge transactions. Under the general practice, reimbursement is based on the accepted exchange rate, usually the New York foreign exchange selling rate (New York exchange rate) as of the dates of the charge transactions. Master Sergeant Larry A. Mickelsen, 68 Comp. Gen. 644 (1989).

14. Foreign currencies—exchange rates

A Navy captain who exchanged British pounds sterling, representing the proceeds from the sale of his London home, for dollars at a Navy disbursing office is indebted to the United States for the $29,000 overpayment he received as a result of the disbursing officer's use of an erroneous currency exchange rate that violated the applicable provisions in the Navy Comptroller Manual. Captain Don W. Medara, USN, 70 Comp. Gen. 102 (1990).
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Subchapter I—
Reserve, National
Guard, and Retired
Members on Active
Duty

A. Reservists on Active
Duty—Length of Active
Duty Period

1. Per diem allowed if tour of duty less than 20 weeks

37 U.S.C. § 404(a)(4) permits the payment of per diem to reservists ordered
from their homes for short periods of less than 20 weeks of duty,
irrespective of the type of duty performed, if they are not furnished
quarters and mess at a training duty station. Therefore, members of
Reserve components who are called to active duty or active duty training,
as distinguished from annual active duty for training under orders which
required a return home upon completion of duty, are entitled to per diem if
called to duty from their homes for tours of less than 20 weeks' duration.

2. Per diem not allowable if tour of duty more than 20 weeks

When members of Reserve components are ordered to active duty or
active duty for training for 20 weeks or more, the rules and regulations
relating to temporary duty travel do not apply. The entitlement of such
reservists to per diem is for determination pursuant to 37 U.S.C.
§ 404(a)(1) and not section 404(a)(4), which provides for the equalization
of reservists' benefits with that of regular members. 48 Comp. Gen. 517

Since a member of a Reserve component called to active duty for 20 weeks
or more is considered to be at her permanent duty station, an Air Force
member ordered to active duty with her consent for a period of more than
20 weeks at the same location was at her permanent duty station and is
not entitled to travel per diem while there. She may receive travel per diem
payments for several periods of temporary duty at locations other than
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3. Tour of duty extended beyond 20-week period

Where, due to unforeseen circumstances, it is impossible for a reservist to complete ordered duty within a scheduled 20-week period, per diem payments may be continued for short additional periods and regulations may be amended accordingly. 49 Comp. Gen. 621 (1970). Compare B-203525, Mar. 15, 1982 (extension not due to unforeseen circumstances). This amendment is in 1 JFTR para. U7150-A4b.

4. 139 days plus allowable travel time

As a general rule, a service member's assignment in excess of 5 or 6 months at one place may not properly be characterized as "temporary," since a temporary duty assignment confers eligibility for reimbursement of daily lodging and subsistence expenses through payment of per diem allowances, and this is appropriate only for assignments of reasonably short duration. Conversely, an assignment of short duration may not properly be characterized as "permanent," since under permanent change-of-station orders service members are eligible to have their dependents and household effects relocated at government expense, and this is appropriate only for lengthy assignments. A settled principle has been established that the term "20 weeks" means 140 days, exclusive of allowable travel time and extensions caused by public holidays. Thus, an Army Reserve officer called to active duty from his home in Texas under orders to attend a course of instruction in Georgia for a period of "139 days plus allowable travel time" was eligible for per diem. Under the applicable regulations this constituted active duty for less than a full period of 20 weeks or 140 days, notwithstanding a suggestion advanced that his assignment might be considered to have been 20 weeks or more in duration based on the concept that it consisted of an 800-hour program of instruction conducted 8 hours per day, 5 days per week for 20 weeks. Captain Daniel S. Brown, USAR, 66 Comp. Gen. 264 (1987).

5. Active duty for training for more than 20 weeks at one location and temporary duty for less than 20 weeks at two duty points en route home

A member of the Reserve components returning home from ordered active duty for training for over 20 weeks at one location was directed to perform additional duty for less than 20 weeks at two temporary duty points en route home. Since travel incident to duty at a single location for 20 weeks or more is considered permanent change-of-station travel, the member was entitled to permanent change-of-station travel allowance for such
6. Two tours of duty exceeding 20 weeks, at same location, with 1-day break in service

A naval reservist who travels from and to his home under orders providing for a 63-day recruiting assignment at a temporary duty station and then under subsequent orders after a 1-day break in service returns to the temporary duty station for a 150-day similar assignment is considered to have had one continuous period of service for determining entitlement to a temporary duty allowance—per diem and monetary allowance in lieu of transportation. Thus, under 37 U.S.C. § 404(a), permitting payment of travel and transportation allowances to reservists ordered from home for short periods of active duty—less than 20 weeks—where mess and quarters are not provided, the member may not be paid on the basis that two periods of duty were authorized by the separate orders. 48 Comp. Gen. 655 (1969).

7. Two tours of duty exceeding 20 weeks, at different locations, with break in service

The fact that orders directing an officer of the Army National Guard to report for 3 phases of continuous rotary wing aviation training to be held at two different locations for a period in excess of 20 weeks were revoked to substitute two separate orders of 18 weeks each for training at different locations, with a service break in-between, does not operate to deny the officer entitlement to per diem for the entire period of training. Pub. L. No. 90-168, which is implemented by the Joint Travel Regulations to provide per diem for members of Reserve components ordered to active duty from home while at a permanent duty station for less than 20 weeks, where government quarters or mess, or both, are not available, contains no indication in its legislative history that it is not applicable to separate periods of training. 49 Comp. Gen. 320 (1969).

8. Tour of duty exceeds 20 weeks solely due to holiday schedule

A chief warrant officer, a member of the Rhode Island National Guard, who under permanent change-of-station orders attended full-time training duty in a warrant officer auto repair course at an Army Ordinance Center and School for a period in excess of 20 weeks, although the usual period of instruction is less than 20 weeks, because no instruction was provided during the Christmas holiday period, and other military personnel who
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were students—some members of the Army, the National Guard, and United States Army Reserve—similarly situated are entitled to a per diem allowance, notwithstanding the receipt of permanent change-of-station orders. Both the officer and students were in fact in a temporary duty status since the actual course of instruction was less than 20 weeks' duration and the active duty status during the holiday period was merely incidental to the course of instruction and did not serve to extend the period of the instruction. 53 Comp. Gen. 218 (1973).

B. Availability of Government Quarters and Mess—Reservists and National Guard

1. General rules if quarters and mess available

Reserve member on active duty for training for 35 days at a service school where government quarters and messing facilities are available is not entitled to per diem. Prohibition against payment of per diem to Reserve members during annual training where government quarters and messing facilities are available is also applicable to periods of active duty for training. Army Regulations provision which permits member to use other than government facilities is not applicable to reservist attending military service school. B-203925, Sept. 2, 1981.

2. “Residual” per diem if quarters and mess available

To equalize the entitlement of members of the National Guard with members of Regular components, regulations may be amended to provide so-called “residual” per diem for reservists ordered to duty for periods of less than 20 weeks when quarters and mess are available, not only to attend service schools, but in all cases similar to those where Regular members performing like duty in a temporary duty status are entitled to per diem. This rule is subject to the exception in the legislative reports with respect to section 3 of Pub. L. No. 90-168 (37 U.S.C. § 404(a)), that no member of a Reserve component should receive any per diem for performance of 2 weeks of annual active duty for training at a military installation where quarters and mess are available. 49 Comp. Gen. 212 (1970). See also 1 JTR para. U7150-A.

3. Per diem if quarters and mess unavailable

Denial of per diem under 37 U.S.C. § 404(a)(4) to a member of a Reserve component is required only while he is on annual active duty for training when government quarters and government mess are available and, therefore, per diem may be paid to a member of a Reserve component.
while on annual active duty for training or active duty at a duty station where government quarters or government mess, or both, are not available even though the duty is performed at the same place and under the same conditions as apply to the reservist's inactive duty training. 48 Comp. Gen. 517 (1969).

4. Per diem allowable if member lodged in nonappropriated fund facility

Member of Reserve component ordered to annual active duty for training stayed at Navy Lodge, a nonappropriated fund temporary lodging facility, at $9 daily charge. 37 U.S.C. § 404(a)(4) and the Joint Travel Regulations provide that members of Reserve components ordered to annual active duty for training are not entitled to per diem if government quarters and mess are available. That prohibition does not preclude per diem where members of Reserves incur lodging expenses at nonappropriated fund activities which were defined as government quarters for purposes of 1 JTR (now JFTR) without consideration that such expenses would be incurred. 55 Comp. Gen. 130 (1975).

5. Per diem not reduced due to receipt of quarters allowance

A member of the Coast Guard Reserve was directed to proceed from home to perform active duty training at an installation where government quarters and messing facilities were not available. In addition to entitlement to the travel and transportation allowances provided by 37 U.S.C. § 404(a)(2) and (3), he may be credited under the authority of 37 U.S.C. § 404(a)(4) with a basic allowance for quarters under 37 U.S.C. § 403(b) and per diem without reduction. However, the basic allowance for subsistence prescribed by 37 U.S.C. § 402(b) is not payable to an enlisted man receiving per diem since he is viewed as being subsisted at government expense. 48 Comp. Gen. 301 (1968).

C. Reservist's Home

1. Mileage allowance prohibited for commuting expenses

A member of a Reserve component who commutes daily from his home to his training duty station is not "away from home" within the meaning of 37 U.S.C. § 404(a)(4) to entitle him to reimbursement for the expense of commuting. The reservist, because his active duty station is his permanent duty station, would be entitled to reimbursement under the Joint Travel Regulations for travel expenses incurred in conducting official business...
within his permanent duty station and adjacent areas. Therefore, the regulation may not be amended to authorize reimbursement to reservists for the expense of commuting daily between home and duty station located within the corporate limits of the same city or town. 48 Comp. Gen. 517 (1969).

2. Per diem prohibited where member commutes

Army reservist whose home was in Richmond, Virginia, was directed to report to Fort Lee, Virginia, 25 miles distant, for active duty for training of 3 months. Government quarters and messing facilities were not available and travel by public transportation was impracticable, so that member commuted by private automobile. He was not entitled to per diem or mileage allowance, since he commuted daily from home and since Fort Lee was his permanent duty station. B-175929, Oct. 4, 1972.

**D. Inactive Duty Training of Reservist Immediately Before or After Active Duty Period**

A Reserve member who performs inactive duty training at headquarters before and after an active duty training period is not precluded from entitlement to the travel and transportation allowances authorized in 37 U.S.C. § 404(a) because of the prohibition in the Joint Travel Regulations against payment of travel or transportation allowances for inactive duty training at the headquarters of a Reserve component, absent a requirement for performance of travel immediately preceding or upon detachment from active duty. For consideration, however, is the availability of the reservist for inactive duty training, 37 U.S.C. § 204(b), providing that the active duty status of a reservist ordered to duty for more than 30 days is expanded to include travel time. 48 Comp. Gen. 78 (1968).

**E. Inactive Duty Training at Headquarters**

Military member engaged in inactive duty for training at the headquarters of his Reserve unit does not receive a per diem. Captain William H. Runge, USNR, B-227504, Oct. 27, 1988.

**F. Temporary Duty for Own Benefit**

When military member receives permissive temporary duty orders, he may engage in travel primarily for his own benefit and may not receive travel expenses or per diem. Therefore member who traveled to Washington, D.C., to inquire about joining new Reserve unit has no entitlement to travel expenses or per diem since travel orders stated travel was for permissive temporary duty and purpose of travel was for member's benefit. Captain William H. Runge, USNR, B-227504, Oct. 27, 1988.
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G. Reimbursement for Miscellaneous Expenses If Reservist Entitled to Per Diem

Members of the Reserve components away from home on active duty for less than 20 weeks, and entitled to a per diem at their permanent station, may be reimbursed such miscellaneous expenses as are authorized for Regular members of the uniformed services under the Joint Travel Regulations in connection with travel or temporary duty and the regulations amended accordingly. See 1 JTR para. U7150-G. See also 37 u.s.c. § 404(a)(4). However, the entitlement to travel between place of lodging or messing and duty as prescribed in Joint Travel Regulations may not be authorized since under clause (4) members at their permanent station performing annual training duty are not entitled to per diem when government quarters and mess are available. 51 Comp. Gen. 559 (1972).

H. Reservists Serving on Active Duty Without Pay

1. Per diem not authorized

37 u.s.c. § 1002(b) provides authority to pay members, of the National Guard or of a Reserve component of a uniformed service performing training or other duty without pay, travel and transportation allowances only to and from the training or duty, and to furnish them subsistence and quarters in kind, or commutation thereof, at a rate fixed by the Secretary of the military department concerned. "Commutation" means the allowance of a fixed sum in lieu of rations and quarters in kind or reimbursing the actual cost of those items. The commutation is fixed and payable even though no expense is incurred. However, a per diem payment—a temporary allowance payable on a daily basis and varying in accordance with the expenses incurred—may not be authorized as a commutation of subsistence and quarters authorized by the statute. 44 Comp. Gen. 615 (1965).

2. Reimbursement on actual expense basis not authorized

The commutation rate provided in 37 u.s.c. § 1002(b) in lieu of quarters and subsistence to members of the National Guard, or of a Reserve component of the uniformed services who consent to additional training or duty without pay, refers to the cost to the government of furnishing subsistence and quarters in kind, and not to the actual expense a member incurs in providing himself with subsistence and quarters. Commutation on a nongovernment subsistence cost basis would be tantamount to payment of an unauthorized per diem at a duty station. 46 Comp. Gen. 319 (1966).
I. Reservists Hospitalized for Injury or Disease Incurred in Line of Duty

Members of the Army and Air Force Reserve and the National Guard, qualifying for the disability benefits prescribed by 10 U.S.C. §§ 3722 and 8722 (both repealed), and 32 U.S.C. § 319 (repealed), have been authorized necessary transportation incident to hospitalization, rehospitalization, and return home when discharged from the hospital. The Joint Travel Regulations may be amended to authorize travel allowances consistent with the general authority for travel and transportation allowances provided in 37 U.S.C. § 404. 43 Comp. Gen. 561 (1964). See, generally, I JFTR para. U7250.

J. Retired Personnel Ordered to Active Duty

The payment of the travel and transportation allowances prescribed in 37 U.S.C. § 404(a) to retired members of the uniformed services ordered to short periods of duty at a station where mess and quarters are not prescribed is not precluded by the lack of specific reference to retirees in the legislative history of Pub. L. No. 90-168, dated December 1, 1967, adding clause 4 to section 404(a) to provide travel and transportation allowances for Reserve components. The 1967 act was designed to authorize the same entitlements to "all military personnel" when the circumstances are essentially the same. In amending the Joint Travel Regulations to provide for payment to retired members, the fact that the per diem authorized by the act is a permanent station allowance that is payable only during periods of duty at a permanent station must be considered. 48 Comp. Gen. 553 (1969).

K. Travel of Reservists and Retired Members for Medical Examination

Reserve or retired member who does not pass physical examination given incident to being ordered to active duty for more than 30 days is entitled to pay and allowances for period required for examination and travel time to and from examination, provided orders place member in active duty status. Reserve or retired member who passes physical examination incident to such orders is entitled to pay and allowances for travel time to his first duty station when later ordered to active duty for more than 30 days. B-181762, July 18, 1975.

L. Reservist on Indefinite Active Duty Voluntarily Relieved From and Immediately Recalled to Active Duty

An Army Reserve officer on indefinite active duty assigned to the Selective Service System who is voluntarily relieved from active duty in the Army and immediately thereafter is voluntarily recalled to active duty in the same grade in the Army Reserve and assigned to the Army National Guard without any break in service is not entitled to travel allowances. B-193799, July 13, 1979.
M. Reservist Travel on Ordinary Leave

Reserve officer who returned from his duty station at Carlisle, Pennsylvania, to his residence in Milan, Italy, while on ordinary leave during a period of active duty training may not be reimbursed for travel expenses because he was not in a "travel status" pursuant to orders, but was traveling on leave for personal reasons. Thus, upon his return to his duty station in Carlisle and subsequent temporary assignment to Fort Bliss, he was entitled to travel allowances for himself only from Carlisle to Fort Bliss, not from Italy. B-191291, June 30, 1978.

N. Erroneous Travel Orders

Entries concerning travel allowances in military orders are ineffective to the extent that they do not conform to the applicable statutes and regulations. Hence, an Army reservist called away from his home to perform active duty is entitled to payment of travel allowances as prescribed by regulation, notwithstanding an entry included by the Army Reserve Personnel Center in his active duty orders that travel at government expense was not authorized. Colonel James C. Berry, USAR, B-227584, May 19, 1988.

Subchapter II—Other Special Categories

A. Cadets and Midshipmen of the Service Academies and ROTC Members

1. Cadets and midshipmen

a. Travel of dependent spouse acquired upon commissioning

A graduate of the United States Military Academy, upon receipt of a commission as an officer, was assigned to a new permanent duty station, with temporary duty en route. He acquired a dependent before the date he was required to commence travel to report to the temporary duty station. He was entitled to reimbursement for travel of the dependent to the new station not to exceed travel from farthest point under the officer's orders to the new station. However, if the dependent was acquired after the date of required travel to the temporary station, reimbursement may not exceed entitlement from the temporary to the permanent station irrespective of the place where the dependent was acquired. 38 Comp. Gen. 790 (1959).
b. Cadets whose parents are members of uniformed services

United States Military Academy cadets, who are sons [or daughters] of members of the uniformed services, are entitled to transportation allowances in their own right. Therefore, such cadets may not be regarded as dependents for travel purposes incident to a permanent change of station of the member to entitle the member to reimbursement for the cadet’s travel when the permanent change of station is made after the son [or daughter] entered the Academy. 39 Comp. Gen. 786 (1960).

c. Temporary duty allowance

The commuted value of rations, which cadets and midshipmen at the service Academies are entitled to receive without deduction when the ration itself is not furnished, is more analogous to the allowance officers are entitled to receive than to the payment for subsistence in kind received by enlisted personnel. Thus, the provisions in section 3(e) of Executive Order No. 10119 precluding enlisted personnel from receiving a ration allowance when they are in a travel status are not applicable to cadets and midshipmen. Therefore, when cadets and midshipmen are in a travel status receiving per diem they may also receive the commuted value of the ration when rations are not furnished or when required to pay for meals at officers’ closed mess or officers’ field ration mess. 43 Comp. Gen. 94 (1963).

d. Rejected candidates for admission

A candidate for admission to the United States Air Force Academy who had in January 1973 medically qualified for pilot training, but when he reported to the Academy in July was not admitted because he was found medically disqualified for a condition that had existed from birth but which had been overlooked during his initial physical examination, may be reimbursed the cost of traveling from his home to the Academy and return. The candidate’s rejection was due to no fault on his part and, therefore, he should be granted reimbursement on the basis that the government owes him the same consideration that is extended to rejected applicants for enlistment in the Regular services or Reserve components. 53 Comp. Gen. 236 (1973).

e. Cadets suspended but later reinstated

Cadets are required to sign agreement they will complete full 4-year course at Academy, and their posts of duty remain the same during that time. If they decide to travel home during their period of leave such travel would
be at their personal expense. However, cadets suspended for misconduct, and who either go home in leave-without-pay status or are sent to military post to serve in enlisted status, and who then obtain temporary restraining order directing their reinstatement, are entitled to travel allowances for travel performed to home or military post and return to Academy. B-177201, Dec. 6, 1972.

2. Senior Reserve and Reserve Officers’ Training Corps (SROTC and ROTC)

a. SROTC members do not have same per diem entitlements as cadets and midshipmen

The Joint Travel Regulations may not be revised to authorize per diem allowances for members of, and applicants for, Senior Reserve Officers’ Training Corps to same extent as prescribed for cadets and midshipmen appointed under 10 U.S.C. § 2107, in the absence of specific statutory authority for such allowance in 10 U.S.C. § 2109 for members not appointed under 10 U.S.C. § 2107. 53 Comp. Gen. 957 (1974).

b. SROTC members not authorized per diem as enlisted reserve members

Members of, and applicants for, Senior Reserve Officers’ Training Corps may not be authorized per diem under the Joint Travel Regulations by virtue of enlisted status in Reserve component. Such members or applicants are required to enlist in Reserve component. The purpose of this requirement is to secure their involuntary active military service as enlisted members if students fail to complete course of instruction or refuse to accept appointment as commissioned officers with its obligated service. 53 Comp. Gen. 957 (1974).

c. ROTC members performing recruiting duties

A cadet in a Reserve Officers’ Training Corps at the University of Detroit who under invitational orders performed recruiting duties at two Detroit high schools—a matter of 2 hours and 3 hours duty on separate days—and returned each time to the University is not entitled to a per diem allowance, having used government transportation and not having incurred any additional subsistence expenses. ROTC cadets have no military status nor are they government employees and, unless utilized as consultants or experts, they are considered persons serving without pay and such a person under 5 U.S.C. § 5703(c) (see 5 U.S.C. § 5702 for per diem) may be allowed transportation expense and per diem only while en route
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and at his place of service or employment away from his home or regular place of business. However, since the cadet at the University of Detroit incurred no additional subsistence expenses incident to his recruiting duties he is not considered to have been in a travel status within the meaning of 5 U.S.C. § 5703(c). 53 Comp. Gen. 145 (1973).

d. ROTC members participating in rifle and pistol team matches

The participation of members of the Reserve Officers' Training Corps in rifle and pistol team competition matches is neither military training nor part of the ROTC curriculum, but the participation is performed on a voluntary extracurricular activity basis. To provide allowances to members participating in National Matches, they may be considered to have the same status as civilians within the meaning of 10 U.S.C. § 4313 so as to entitle them to a travel allowance of $0.05 a mile and a subsistence allowance of $1.50 a day. Also, the authority in 10 U.S.C. § 4308(a)(8) may be invoked to provide allowances for participation in regional and international matches if the Secretary of the Army upon recommendation of the National Board for the Promotion of Rifle Practice approves the issuance of regulations to this effect. 50 Comp. Gen. 783 (1971).

e. SROTC members—actual and necessary expenses authorized

Senior Reserve Officers' Training Corps members appointed under 10 U.S.C. § 2104 incurred expenses for lodging and meals when they were required, through no fault of their own, to delay en route to and from field training or practice cruises at locations where no government berthing or messing facilities were available. SROTC members appointed under 10 U.S.C. § 2104 may not be paid per diem but are entitled to subsistence at government expense. Because the SROTC members were traveling under proper orders and due to a delay en route were required to secure commercial lodging and meals (the arrangements for which were made by U.S. Naval Attaches), reimbursement for actual and necessary expenses is authorized. B-195791, Mar. 3, 1980.

B. Applicants for the Uniformed Services

1. Failure of responsible officials to provide transportation from place of enlistment to duty station

Enlisted men, who are not furnished transportation in kind and meal tickets for travel from place of enlistment to first duty station because recruiting officers failed to provide or inadvertently denied transportation.
and subsistence, may be reimbursed for expenses actually incurred, as evidenced by receipts, not to exceed the amount transportation and subsistence would have cost the government. 35 Comp. Gen. 522 (1956).

2. Minority enlistments

A person whose enlistment in the Army or the Air Force while under the minimum statutory enlistment age is terminated by the government due to minority may be regarded as a "rejected applicant" within the meaning of travel and transportation provisions of section 303(e) of the Career Compensation Act of 1949 (now 37 U.S.C. § 410) so as to be entitled to transportation in kind upon release from military control. 39 Comp. Gen. 860 (1960).

3. Enlistments of insane persons

Persons who were enlisted or inducted into the uniformed services prior to the discovery of a prior existing judicial determination of insanity may be regarded as "rejected applicants" within the meaning of travel and transportation provisions of section 303(e) of the Career Compensation Act of 1949, so as to be entitled to transportation in kind upon release from military control. 39 Comp. Gen. 742 (1960).

4. Voluntary travel to place of enlistment

United States citizen residing in Spain was erroneously advised by United States Consul in Barcelona that no facilities were available in Europe to effect enlistment in United States Navy. He traveled at personal expense to New York, where he enlisted. Since he traveled there voluntarily for purpose of making enlistment application, he is not entitled to reimbursement for travel to that place. The fact that the member received erroneous information afforded no basis for allowing the claim. B-161426, June 30, 1967.

C. Recruiting Duty—Extra Expenses

1. Automobile expenses

Although under 37 U.S.C. § 428 and the Joint Travel Regulations a member of the Armed Forces whose primary assignment is to perform recruiting duty may be reimbursed for actual and necessary expenses incurred in connection with performance of those duties, recruiter is not entitled to reimbursement by government for increased cost of extended insurance
coverage incurred in connection with use of a privately owned automobile in performance of duties where a mileage allowance is authorized incident to such duties. Such allowance is a commutation of the expense of operating an automobile including the cost of insurance. 54 Comp. Gen. 620 (1975).

2. Meals

Provisions of 10 U.S.C. § 503, providing for intensive recruiting campaigns, do not authorize purchase of meals for school officials assisting such campaigns. Provisions of 37 U.S.C. § 428 and Volume 1 JTR authorize reimbursement of out-of-pocket expenses—including occasional meals—incurred in performance of official duties by recruiting officers from appropriations available to Marine Corps, but do not appear to contemplate luncheon expenses incident to preplanned presentation to 11 public school officials who may assist recruiters. While we will not object to payment of subject voucher, similar expenses should not be incurred unless regulations are revised to authorize them. B-162842, Aug. 9, 1976.

D. Group Travel

1. No subsistence costs—no per diem

The officers and airmen who incident to the partial closing of an Air Force Base for repairs are sent as a unit, within the contemplation of the Joint Travel Regulations, to another base on temporary duty for varying periods on an “as needed” basis to maintain a bomber alert, and are furnished government quarters and messing facilities without charge, are not entitled to per diem. The fact that orders are issued to individuals, omitting the name of the unit or detachment, does not defeat the restriction against the payment of a per diem allowance, nor does the payment of per diem to the small number of officers required to live in commercial facilities afford a basis to pay a per diem allowance to those members furnished government quarters and messing facilities. The erroneous payments made to them should be recovered. 45 Comp. Gen. 599 (1966). See also B-173943, July 27, 1972.

2. Erroneous designation in orders

Although the payment of per diem to Army members traveling together as a group by government conveyance from the same point of origin to the same destination under orders that failed to designate the travel as group travel was contrary to the Joint Travel Regulations, the payment having
been based on the erroneous instructions contained in Army Regulations, no exception will be taken to payments under the involved orders, or similar orders. However, if government meals were furnished and no deduction made from the per diem authorized, the value of the meals should be recovered. 49 Comp. Gen. 692 (1970).

3. Individual travel not authorized in orders

Under orders which directed a unit to move from Fort Campbell, Kentucky, to military reservation in Pennsylvania for approximately 90 days, and which specifically directed travel by commercial air except for certain designated members authorized travel by privately owned vehicle, unit member not so designated but who chose to use his automobile to perform travel was not entitled to mileage allowance. B-173064, June 30, 1971.

4. Orders retroactively amended to authorize individual travel

The retroactive amendment of orders authorizing travel by privately owned vehicle and directing group travel pursuant to the Joint Travel Regulations after the performance of temporary duty to delete the group travel requirement entitles members traveling by privately owned vehicles to the allowance prescribed by the regulations. The general rule that travel orders may not be revoked or modified retroactively to increase or decrease accrued or fixed rights after the performance of travel does not apply when orders are modified within a reasonable time to correct an administrative error or complete orders to show original intent. The deletion of the group travel requirement reflects the intent that members who were permitted to travel by privately owned conveyances were exempt from group travel. 51 Comp. Gen. 736 (1972).

5. Authorization to travel separate from group

A military member ordered to active duty for training who receives travel orders specifying individual travel for himself but group travel for all other members of the Reserve unit is authorized to travel separately and be reimbursed his airplane fare from home of record to the active duty for training site and return to home of record. Captain William H. Runge, USNR, B-227504, Oct. 27, 1988.
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E. Participation in Maneuvers

1. "Maneuvers" defined

a. General rule—no per diem

A right to per diem does not accrue to member engaged in combat duty, simulated war games, survival training, and similar field duty, since member does not ordinarily incur more than normal expenses for subsistence in situation that exists at such times. 35 Comp. Gen. 555 (1956).

Under the statute authorizing per diem and other travel allowances for service members on official travel assignments, no per diem is ordinarily payable for periods of an assignment that are properly classified as "field duty," since ordinarily service members have no additional living expenses during such periods. Superseded provisions in the Joint Travel Regulations are not interpreted as making sleeping and subsistence conditions the sole criteria for determining whether field duty is involved because the statutory authority for payments of per diem does not authorize denial without reference to the type of duty being performed. 63 Comp. Gen. 37 (1983).

b. Exception to general rule

Service members assigned to temporary duty with the Multinational Force and Observers in the Sinai were on field duty and were prohibited by regulation from receiving per diem. The Joint Travel Regulations were amended to provide a $3.50 per diem rate for these members. Since this amendment may be considered an exception to the general prohibition in the regulations, and since there is no specific statutory prohibition, paying per diem to such members is authorized. B-209342, July 11, 1983.

c. Firefighting

Members of the uniformed services ordered to proceed on temporary duty in government vehicles to assist the Forest Service in firefighting—whether they sleep in government or personal sleeping bags, in the vehicles, on the ground with sleeping bags, on the floors of warehouses and similar structures, or do not sleep on certain nights because of duty performance—are not performing the type duty identified as maneuvers, joint field exercises, Reserve training encampments, and similar activities. The payment of per diem to them is governed by the Joint Travel Regulations, and the members who were not charged for meals or sleeping facilities provided by the Forest Service, or who did not
occupy commercial facilities, are entitled for each day of temporary duty to a per diem of $2.50 and $3.10 for each meal not furnished, the rates prescribed by regulation. 50 Comp. Gen. 733 (1971).

2. Orders designation

a. Designation reevaluation

An administrative error was made in designating duty in connection with “Operation Deepfreeze” on the Antarctic Continent as maneuvers, field exercise, or other similar activities contemplated by the Joint Travel Regulations. Since the amendatory orders were issued on a reevaluation of the actual facts which indicates that the duty related to the International Geophysical Year and includes research, exploration, construction, and maintenance; per diem payments may be made. 37 Comp. Gen. 683 (1958).

b. Designation clearly erroneous

Marine Corps members were directed to proceed to United States Naval Base, Guantanamo Bay, Cuba, under TDY orders designating the assignment as “field duty,” and such designation was an error that should have been apparent to order-issuing authority. Since record—viewed in light of situation in Cuba when orders were issued—reasonably established duty contemplated by orders did not consist of maneuvers but rather operational military duty such as was or might be required of any military personnel at Guantanamo, orders could be retroactively amended to authorize per diem. 44 Comp. Gen. 405 (1965).

3. Maneuvers at “Installation of the Uniformed Services”

a. In general

Participants on temporary duty in maneuvers, field exercises, and other similar activities including training encampments for ROTC students are not authorized per diem allowances. This limitation does not apply to temporary duty on an installation where per diem is authorized in accordance with regulations issued by the Secretary of the service concerned. B-177243-O.M., May 1, 1973.
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b. Must be active installation

Field duty at an installation of the uniformed services for per diem purposes within the exception in the Joint Travel Regulations and Army Regulations refers to duty at active installation under normal circumstances where quarters and messing facilities are provided and available not only to personnel permanently stationed there but also to personnel assigned on a temporary basis. Therefore, field duty at an inactive camp where quarters and mess are available does not entitle the member to per diem regardless of whether the member is authorized to be quartered separately from other members participating in field duty. 38 Comp. Gen. 225 (1958).

c. Certification contrary to fact

Temporary duty performed incident to summer training of Reserve components at Camp McCoy, Wisconsin—an inactive camp operated only for summer training purposes where both government quarters and meals were furnished—may not be regarded as field duty performed at an installation of the uniformed services to entitle the members to per diem under the exception in Army Regulations which is applicable to active installations. The certification changing the designation of the quarters from field to temporary duty quarters, during the close-out phase when the quarters were maintained solely for field duty purposes, is without effect to change the quarters to temporary duty quarters, and payment of per diem may not be made for this period. 38 Comp. Gen. 388 (1958).

4. Advance and post maneuver duties

Temporary duty orders of the member did not authorize per diem because the duty constituted field duty within the meaning of the Joint Travel Regulations and because group travel was directed. While the member traveled alone, the record does not sustain the member's views that the orders were issued in error, or that his duty contemplated critique phase or advance planning incident to field duty for which per diem could have been authorized. In the absence of evidence to overcome the administrative determination clearly expressed in the orders that the temporary duty directed constituted field duty, per diem is not payable. 37 Comp. Gen. 627 (1958).
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F. Duty Aboard Common Carriers

1. Passenger cars owned or leased by United States

Duty performed by members of the uniformed services on trains which, although operated by the German Railway System, consist of passenger cars owned or leased on a rental basis by the United States, and used exclusively for Berlin Occupation Status of Forces personnel, may not be regarded as duty on "commercial carriers" for per diem purposes under the Joint Travel Regulations and, therefore, payment of per diem for such duty may not be made. 38 Comp. Gen. 871 (1959).

2. Military cars attached to civilian passenger or freight trains

Duty performed by members of the uniformed services on military cars which are attached to civilian passenger or freight trains may not be regarded as duty on "commercial carriers" for per diem purposes under the Joint Travel Regulations so as to entitle the members to per diem. 41 Comp. Gen. 59 (1961).

3. Member performing duty as conductor on military train

An enlisted member of the uniformed services who performs duty as a military conductor on a completely military train between two overseas stations is regarded as being on duty as a conductor on a military train and not aboard a commercial train for entitlement to transportation and per diem allowances under the Joint Travel Regulations, and the travel is merely incidental to the duty so that per diem is not payable. 41 Comp. Gen. 59 (1961).

4. Military train conductor off duty on return trip

A member of the uniformed services, who completes an assignment to duty as military train conductor and on the return trip to his permanent station does not perform any such duty, is regarded as being in a normal travel status on the return trip for which per diem is payable under the Joint Travel Regulations. 41 Comp. Gen. 59 (1961).

G. Members of Air Transport Squadrons

1. Certification of unit commander in lieu of written orders

Members of the uniformed services who under 37 u.s.c. § 404(e) receive per diem in lieu of subsistence when performing flights from a permanent duty station to some other point and return without the issuance of orders
for specific travel may be reimbursed the miscellaneous expenses contemplated by the Joint Travel Regulations for members in a travel status, and the regulations amended accordingly. Although travel orders may not be issued to member covered by section 404(e), claims for reimbursement may be paid on the certification of the appropriate unit commander. 47 Comp. Gen. 477 (1968).

2. Miscellaneous expenses and travel between home and permanent duty station

Members of the Military Airlift Command crews, in addition to the per diem in lieu of subsistence prescribed by 37 U.S.C. §404(e) for round-trip flights from a permanent duty station without the issuance of orders for specific travel, are deemed to be entitled to reimbursement for the miscellaneous travel expenses prescribed by the Joint Travel Regulations. However, when their regularly assigned duty consists of performing flights from a permanent duty station to some other point and return, normally they would not be considered as performing travel and temporary duty within the contemplation of those regulations. Therefore, they may not be reimbursed for the expenses of travel between home or place of abode and the place of reporting for regular duty at their permanent station. 47 Comp. Gen. 477 (1968).

H. TDY Aboard Vessels

1. “Vessel” defined

a. Mothballed ship

Naval personnel who are assigned to temporary duty for performance of security and inspection in the quinquennial overhaul of Reserve ("mothball") Fleet vessels on which berthing and messing facilities are not generally available, and who occasionally ride the vessels while they are towed to nearby shipyards, are not regarded as traveling on board government vessels. Therefore, they are entitled to per diem at reduced rates, and the quarters portion of the per diem allowance need not be supported by receipts. 35 Comp. Gen. 607 (1966).

b. Barracks ship

A barracks ship without any propulsion plant to which Navy personnel are required to report for temporary duty, in connection with the fitting-out or conversion of vessels in the area and on which berthing and messing
facilities are provided, need not be regarded as a government vessel under the Joint Travel Regulations which prohibit per diem for temporary duty aboard government vessels. Therefore, per diem as prescribed in the Joint Travel Regulations for temporary duty in connection with the fitting-out conversion of vessels may be paid, provided that deductions are made for quarters and for meals in the case of enlisted members furnished such on the barracks ship. 39 Comp. Gen. 590 (1960).

c. Non-self-propelled service craft

Members who were ordered to perform temporary additional duty aboard the YRST-2, non-self-propelled service craft with berthing and messing available on board, are not prohibited from receiving per diem by Volume 1, Joint Travel Regulations, as the YRST-2 is not a "vessel" for purposes of travel entitlements. 54 Comp. Gen. 442 (1974).

d. No sea duty pay if per diem allowed for service on nonvessel

Members who were ordered to Harbor Clearance Unit Two (HCU-2) but who performed temporary additional duty aboard the YRST-2, which is not a "vessel" for sea duty pay or for travel entitlement purposes, may not receive sea duty pay. However, they are not prohibited from receiving per diem under the Joint Travel Regulations since while service in HCU-2 is considered sea duty, i.e., on board a vessel, the temporary additional duty was, in fact, not performed on board a vessel. 54 Comp. Gen. 442 (1974).

2. "Government" vessel defined

a. Government-owned ship chartered by private concern

A Navy officer performed temporary duty on board government-owned vessel chartered by private concern under an agreement providing for the operation of the vessels under time charter to the Military Sea Transportation Service. The latter charter required the private concern to furnish meals to naval personnel assigned to duty on board the vessels at a cost which is a fraction of the cost of meals to personnel traveling aboard a commercial vessel. The officer is regarded as having performed temporary duty on board government vessel within the meaning of Joint Travel Regulations and, therefore, per diem may not be paid under said regulations for such duty. 31 Comp. Gen. 575 (1952).
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b. Ship being transferred to foreign governments

Temporary additional duty performed by naval personnel aboard U.S. Navy vessels which are being transferred to foreign governments, but the title to which is retained in the United States, is duty aboard a government vessel within the meaning of the Joint Travel Regulations. These regulations prohibit payment of per diem for any period of temporary duty aboard a government vessel because subsistence facilities are available and no above-normal subsistence expenses are incurred. Therefore, allowance of per diem to personnel assigned to such duty is prohibited. 38 Comp. Gen. 626 (1959).

c. Allied ship

Service performed on a British government vessel by a Marine Corps officer under the exchange officer program between the United States and Great Britain by which the officer was integrated into the Royal Navy and was furnished quarters and messing facilities on the vessel which was his post of duty—comparable to those available on United States government vessels to members of the United States Navy performing temporary duty aboard a vessel—is regarded as temporary duty aboard a government vessel within the meaning of the Joint Travel Regulations which precludes payment of per diem for such temporary duty. 40 Comp. Gen. 277 (1960).

3. Availability of quarters and mess

a. Standard food unavailable

An enlisted man while stationed in Japan performed temporary duty on board a Navy vessel that maintained berthing and messing facilities oriental in nature for the national civilian mariners who manned the vessel. Even though the facilities did not meet the standards of the United States Navy, the enlisted man may not be paid a per diem allowance commensurate with the amount he expended for the food he purchased for the duration of the trip. The Joint Travel Regulations provide that per diem is not payable for any period of temporary duty aboard a government vessel when both government quarters and mess are available, and the messing facilities available to the member during his temporary tour of duty constituted a "government mess." 44 Comp. Gen. 32 (1964).
b. Orders direct "temporary duty afloat" but actual duty is ashore

Orders detaching a Navy officer from his permanent duty station directed "temporary duty afloat" awaiting further assignment. The officer, not having been furnished the quarters and messing facilities contemplated by the Joint Travel Regulations for the period of temporary duty because the staff to which he had been attached was physically located ashore, is entitled to per diem for the duration of the temporary duty. The station from which he was detached to comply with his temporary duty orders remained his permanent duty station for the period of temporary duty performed prior to discharge, even though his orders contemplated another permanent assignment at the expiration of the temporary duty. Also, such duty having been limited to the period necessary to effect a further assignment is not considered of indeterminate duration. 44 Comp. Gen. 310 (1964).

c. Assignment to flagship-duty with ashore staff, no additional subsistence cost

A naval officer detached from duty aboard a vessel, pending separation, was directed to report to the Commander, Submarine Flotilla Two, for temporary duty, which although at home base has a flagship. He was assigned to an ashore staff position at the home port of the off-crew of the submarine. The officer may be paid per diem since the temporary duty was not performed aboard a government vessel within the meaning of the Joint Travel Regulations. The assignment of the flagship is of no consequence since the temporary duty was performed ashore. Also, the fact that the temporary duty location was at the home port of the off-crew, or that no additional subsistence cost was incurred by the member, does not affect his entitlement as the temporary duty was not in connection with the training and rehabilitation of the crew. 50 Comp. Gen. 723 (1971).

I. Ship Undergoing Overhaul at Place Other Than Home Port

1. Ship being decommissioned for overhaul for loan to foreign government

2. Change of home port during overhaul

Navy member subsequent to notice of change of home port from Newport, Rhode Island, to Norfolk, Virginia, and promulgation of change of home port, but prior to the effective date of the change, reported for permanent duty aboard the U.S.S. Milwaukee and his dependents moved to Chesapeake, Virginia, in the area of the new home port. Their transportation entitlements were limited to the distance from the old permanent station to the new home port. The member performed round-trip travel between the vessel’s overhaul site and Chesapeake to visit his dependents, and he is entitled to reimbursement for the travel under 37 U.S.C. § 406(b) as Norfolk may be regarded as the vessel’s home port for purposes of this travel. B-181445, Jan. 30, 1975.

J. Courier, Escort, and Guard Duty

1. Couriers

a. Travel between residence, duty station, and terminals

Officers were assigned to the Pentagon from which they departed with the classified material they were escorting to National Airport via government vehicle and return from Friendship International Airport by air carrier trucking service—a special delivery service and not a regularly scheduled limousine service for the convenience of all airline passengers. They may not be reimbursed the transportation expenses involved for round-trip travel between the Pentagon and their residences. The Pentagon is not a terminal of the carrier incident to either departure or return travel of the officers and, therefore, there is no authority to reimburse the officers for travel normally required between home and place of duty. 42 Comp. Gen. 544 (1963).

b. Where courier supplies own rations and sleeping equipment

A courier officer performed temporary duty in charge of three other members designated as guards to accompany a classified security shipment by rail under orders providing that the escort personnel furnish their own rations, cooking facilities, and sleeping equipment in order to remain with the shipment. This does not entitle the officers to per diem in excess of the minimum rate prescribed by the Joint Travel Regulations. 43 Comp. Gen. 726 (1964).
2. Escorts of members' dependents

a. As travel on public business

The travel of members of the uniformed services who act as escorts and accompany dependents to medical facilities is regarded under 10 U.S.C. § 1040 as travel on public business if directed by competent orders, and the members are entitled to travel and transportation allowances in accordance with the Joint Travel Regulations. 47 Comp. Gen. 743 (1968).

b. Member acting as escort of his own dependents

An Air Force officer stationed overseas whose wife under orders travels by privately owned automobile to and from a hospital for medical treatment may not be paid a mileage allowance for the round-trip transportation, reimbursement being limited to actual expenses, whether a dependent travels alone or with an attendant, absent specific authorization for commuted payments, such as mileage, monetary allowances in lieu of transportation, or per diem. A member who transports a dependent to a medical facility in his privately owned vehicle for which he is entitled to a travel allowance would not be entitled to an additional amount on behalf of the dependent, the travel allowance being in lieu of actual expenses. 47 Comp. Gen. 743 (1968).

c. Escorting member's dependents for medical treatment within CONUS

Authority for service members to travel at public expense to serve as escorts for their dependents who are undergoing medical treatment is limited by statute and regulation to the situation of a dependent of a service member stationed outside the United States when the dependent requires medical care not locally available in the overseas area. Hence, a Marine Corps sergeant stationed in the United States may not be allowed reimbursement of his traveling expenses incurred in escorting his son to a hospital for medical treatment. B-217948, Sept. 17, 1984.

d. Dependents acting as escorts of another dependent

Transportation expenses payable under 10 U.S.C. § 1040 are not limited to members of the uniformed services or civilian employees of the Department of Defense; attendants who are neither members nor employees (such as other dependents, as where mother accompanies child) may also be reimbursed under the statute, on an actual expense basis only. B-163954, July 24, 1968; and Feb. 26, 1970.
e. Failure to secure competent orders in advance

Member and dependent wife were traveling under permanent change of station orders from Homestead, Florida, to Incirlik, Turkey, when wife became ill on aircraft. Member and wife departed aircraft at Rome, Italy, where wife was hospitalized for 2 days. Such 2-day period is properly charged as leave to member, and he is not entitled to reimbursement under 10 U.S.C. § 1040 as wife's attendant, since no orders were ever issued authorizing him to act as nonmedical attendant. B-174852, Mar. 14, 1972. See also B-203623, Mar. 23, 1982.

3. Escorts of deceased members

a. Duty performed entirely within corporate limits of permanent duty station

Members of the uniformed services while performing temporary duty as escorts for deceased members within the corporate limits of their permanent duty station may not be paid per diem, even though the distance traveled to the funeral site is over 55 miles. The allowances prescribed in 10 U.S.C. § 1482 for escort duty may only be considered in conjunction with 37 U.S.C. §§ 404 and 408, regarding entitlement generally for travel performed on public business under competent orders. Under section 404, per diem for temporary duty is payable only when a member is away from his designated duty station, and for travel within the limits of his permanent duty station, a member under section 408 may only be paid transportation costs. Therefore, the Joint Travel Regulations may not be amended to provide per diem for escort duty at a permanent duty station. 49 Comp. Gen. 453 (1970).

b. More than one attendant for one deceased member

Air Force member was appointed escort to accompany deceased member from air base in Texas to deceased's home in Michigan. Second airman was furnished transportation request to provide for transportation at government expense to attend funeral as Group Commander's representative. Second airman was not entitled to per diem, since the law (10 U.S.C. § 1482) only authorizes allowances for "an escort of one person" to place of burial. B-173289, Sept. 3, 1971.
4. Guards for prisoners

Noncommissioned officer in charge of guard detail used transportation request to secure Pullman accommodations on train for purpose of escorting prisoner from Seneca Ordnance Depot, New York, to Fort Jay, New York. However, return travel to Seneca Ordnance Depot was by privately owned vehicle. Since orders authorized, rather than directed, use of transportation request, and since Joint Travel Regulations require transportation request be used only to cover travel by common carrier necessary for delivery of prisoner, member was entitled to mileage allowance and per diem. But since use of privately owned vehicle was not approved as advantageous to government, per diem was limited to period not to exceed that payable for constructive travel by common carrier over official route. B-129850, Jan. 3, 1957.

K. Travel in Connection With Disciplinary or Judicial Action

1. Witnesses

a. Member appearing as government witness not by reason of military status

The payment of the travel expenses of an officer or employee of the government appearing as a witness on behalf of the United States is governed by the regulations of the agency in which employed only if the case involves the activity in connection with which the individual is employed or is serving and his expenses are properly payable from an appropriation available to the agency, otherwise pursuant to 28 U.S.C. § 1823(a), payment of the travel expenses of a witness comes under regulations prescribed by the Attorney General. Therefore, the Joint Travel Regulations may not be revised to authorize payment of the travel expenses of a member of the uniformed services appearing as a witness for the government not by reason of his military status but by reason of the government’s requirement in its civil capacity. 46 Comp. Gen. 613 (1967).

Marine Corps member traveled from his permanent duty station to Chicago in November 1967, and in January, February, and March 1968, to appear as witness on behalf of the United States in case tried in United States District Court, Northern District of Illinois. Case did not involve uniformed services. Therefore, the member’s claim for temporary duty allowances was properly denied. The member may present his claim for reimbursement to the United States Attorney, Northern District of Illinois under 28 U.S.C. § 1823(a). B-168947, May 19, 1970.
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b. Member appearing as witness in state criminal proceeding

Regulations may be issued authorizing the payment of travel and transportation allowances of members of the uniformed services who are requested to appear as witnesses for a state government in criminal proceedings, provided a determination is made in each situation that the travel is necessary and in the interest of the service because the court action is one directly related to the service or its members and is one in which the service has a strong interest. B-202232, July 10, 1981.

c. Distinction between member’s appearance as government witness and potential accused at court-martial

Member traveled to United States Naval Station, Rota, Spain, where he appeared as material witness for United States in case involving uniformed services. Travel orders directed member’s temporary duty in connection with disciplinary action, but during proceedings he was granted immunity from prosecution in return for testimony. Member was not entitled to per diem, since he was in disciplinary action status, even though he testified for United States. B-181216-O.M., Nov. 15, 1974.

d. Appearance as witness before foreign courts

When the commanding officer of a military installation desires to honor a properly made request for the appearance of a member of his command as a witness before an authorized service court of a friendly foreign force, he may under the authority in 22 U.S.C. § 703 issue orders to the member directing his attendance as a witness, and consider the member on official business in the nature of detached service while traveling and while in attendance at the proceedings of the foreign court. The member witness under 28 U.S.C. § 1821 would be entitled to the fees and mileage, including attending United States courts, payment to be made to the member from funds supplied by the foreign force, in advance if available, or after completion of the service upon availability of the funds. 48 Comp. Gen. 10 (1968).

2. Member's travel in connection with disciplinary action against him

a. Travel to attend pretrial investigation

Members who traveled from Annapolis, Maryland, to Washington, D.C., by privately owned vehicle to attend pretrial investigation in connection with disposition of charges against them were not entitled to mileage.
allowance. However, since government transportation was not available to them, they may be reimbursed cost of gas and oil. B-176654, Apr. 11, 1973.

b. Transportation of dependents and household effects of court-martialed service members

The Joint Travel Regulations may not be amended to authorize the transportation of dependents and household effects of a service member stationed in the continental United States who is confined under a court-martial order since there is no statutory authority for this. B-222947, Dec. 10, 1986.

c. Where member is cleared of all charges

Where member traveled to Washington, D.C., from Annapolis, Maryland, to attend disciplinary proceedings, he was not entitled to per diem or mileage allowances in connection with required travel, even though all charges were dismissed. However, he could be reimbursed for actual costs of quarters, gas, and oil, in an amount not to exceed per diem and mileage allowances he would have received for ordinary travel. B-176654, May 18, 1973.

d. Where immunity from prosecution is granted in return for giving of evidence

Member was ordered to United States Naval Station, Rota, Spain, for temporary duty in connection with disciplinary action. While there, he gave material testimony on behalf of United States in exchange for grant of immunity from prosecution. However, this did not change disciplinary action status of TDY, and member did not become entitled to per diem simply because he appeared as witness. He remained entitled to reimbursement only on actual expense basis. B-181216-O.M., Nov. 15, 1974.

e. Where member is found guilty

Member who traveled from Orange, Texas, to Corpus Christi, Texas, to appear as accused at general court-martial, at which he was found guilty, was entitled to be reimbursed cost of necessary transportation by bus and meal tickets. B-170827, Oct. 12, 1970.
f. Travel to appear as accused before foreign court

The costs of travel of a member of the Armed Forces, who had been returned to military control under an Administrative Agreement between Japan and the United States, from a military installation to a designated place for psychiatric evaluation in connection with a Japanese criminal prosecution of the member, constitute an expense incident to representation before a judicial tribunal within the contemplation of 10 U.S.C. § 1037. The legislative intent of that provision was to authorize, regardless of military status and independently of any question of public business, such expenditures as are actually necessary to provide adequately for the defense of the accused, including the cost of travel by the accused when necessary in the preparation of his defense; however, nothing in the law or its legislative history authorizes the commutation of such expenditures on a mileage and per diem basis. Therefore, the member is entitled to reimbursement of the amounts expended by him in performing the travel. 40 Comp. Gen. 218 (1960).

3. Return of absentees, stragglers, or other members without funds

a. AWOL member

An enlisted Marine Corps member who, under orders directing travel to a new permanent duty station, deserted and subsequently upon apprehension completed the travel to the duty station over an indirect route at personal expense and by government means (use of transportation request and government conveyance) is regarded as completing travel under the original change-of-station orders which remained in effect entitling the member to payment of a travel allowance for the mixed modes of travel. Therefore, the member who had the desertion mark removed upon conviction for an unauthorized absence is entitled to mileage computed on the official distance from the old to the new station, less the distance of indirect intermediate travel by transportation request and government means, plus any per diem to which he may be entitled for the travel performed. 44 Comp. Gen. 140 (1964).

b. Member on ordinary or emergency leave orders without funds

Army member was issued a transportation request upon showing he was without funds to purchase necessary transportation for return to his overseas duty station at end of period of leave. The member was not entitled to reimbursement of cost of commercial transportation used in connection with emergency leave, paragraph 31 of Army Regulation
expressly prohibiting such reimbursement for travel by commercial means, and reimbursement also being prohibited in connection with ordinary leave since it is not on public business. B-180810, Oct. 9, 1974.

4. Discharge under other than honorable conditions

a. Distinction between former members released from civilian prisons and from military confinement facilities

The term "discharged prisoners" in section 303(e) of the Career Compensation Act, which defines the classes of military personnel entitled to travel and transportation at government expense, has reference to prisoners discharged from United States military confinement facilities rather than to former members discharged under other than honorable conditions upon release from confinement in civilian prisons. Therefore, the travel and transportation authority in section 202 of the Career Compensation Act of 1949 may not be used as authority for furnishing transportation and subsistence at government expense for former members released from civilian prisons. 39 Comp. Gen. 206 (1959).

b. No confinement involved—discharge subsequently upgraded

Air Force member was discharged in 1956 under other than honorable conditions. In 1965 Discharge Review Board issued him discharge certificate "under honorable conditions." Member then became entitled to mileage allowance for travel performed by privately owned vehicle to home of record following discharge, where it appeared he did not utilize transportation in kind as authorized by regulation for members discharged under other than honorable conditions, but rather actually performed such travel by privately owned vehicle at personal expense. B-159140, June 30, 1966.

c. Transportation home pending appellate review

The Military Justice Amendments of 1981, Pub. L. No. 97-81, added article 76a to the Uniform Code of Military Justice, which provides that court-martialed personnel sentenced to receive punitive discharges or dismissals may be compelled to take leaves of absence pending the completion of the appellate review of their cases, in contemplation of their eventual separation from service in absentia under less than honorable conditions. When they are placed on leave they may be provided personal transportation home at government expense by the least costly means...
available, in the same manner as is generally authorized for persons separated under conditions other than honorable. 63 Comp. Gen. 135 (1983).

5. Prisoners

a. Former members erroneously apprehended

Former members of the uniformed services who, after termination of military status, have been erroneously apprehended and transported to another area are not within the classes of persons entitled to travel and transportation allowances provided in section 303(e) of the Career Compensation Act of 1949, and there is no other authority for return travel to the place of erroneous apprehension. 35 Comp. Gen. 645 (1956).

b. Members paroled and restored to duty

A prisoner who is released from confinement in a disciplinary barracks on commandant’s parole continues to be a member of the uniformed services pending appellate review action on court-martial proceedings and is technically in the legal custody and control of the commandant so that he may be regarded as coming within the term “general prisoner” in section 202(e) of Career Compensation Act of 1949 for entitlement to travel and transportation allowances pursuant to competent travel orders. 38 Comp. Gen. 456 (1958).

L. Members on Temporary Disability Retired List

1. Residence and hospital located in same city

Members of the uniformed services who are on the temporary disability retired list and who, pursuant to competent temporary duty orders, travel for periodic physical examinations to hospitals which are situated in the same city as their homes are not considered to be in a travel status away from the corporate limits of their permanent station during the period of temporary duty so as to be entitled to per diem. 37 Comp. Gen. 302 (1957).

2. Travel to appear before physical evaluation board

There is no legal objection to implementation of a proposed amendment to the Joint Travel Regulations which would permit payment of travel and transportation allowances to members incident to their appearing at requested hearings of the Physical Evaluation Board held to review decisions to remove the member concerned from the temporary disability
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M. Hospital Patients

1. General rule—no per diem

An extension of time of temporary duty at a transfer station prior to release from active duty during which a member is entitled to per diem does not include the period of time the member is a patient in a hospital. B-178329, Apr. 18, 1974.

2. Travel to hospital

Provisions of the Joint Travel Regulations which preclude per diem for period member is hospital in-patient do not apply for period of time spent traveling to, from, or between hospitals; consequently, member transferred as pipeline patient or in-patient in hospital during period of ordered travel was entitled to per diem. B-143222, June 30, 1960.

3. Type of transfer PCS vs. TDY

Permanent station of a member of uniformed services is the place where his basic duty assignment is performed. Orders to a hospital for the purpose of observation as treatment do not effect a change of permanent station, since the assignment is to a place where no duty is required of him. 48 Comp. Gen. 603 (1969). B-181893, Sept. 16, 1975. However, a member who is transferred to a hospital for extended treatment and is issued a statement to that effect may have his dependents and household goods transported to the hospital at government expense as for a permanent change of station. 48 Comp. Gen. 603 (1969); 50 Comp. Gen. 473 (1971).

N. Members on Duty With Other Departments or Agencies

1. No entitlement to same allowances as civilian employees

While civilian employees of the Selective Service System may utilize local public transportation, including taxicabs, at their designated posts of duty under authority applicable to civilian employees of the government and be reimbursed such expenses, military personnel assigned to duty with the Selective Service System remain members of the uniformed services with compensation fixed by law, which includes pay and allowances. In the absence of specific statutory authority therefore, military personnel may
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not be reimbursed from Selective Service funds for expenses incurred in the utilization of similar transportation. 32 Comp. Gen. 376 (1953).

2. No entitlement to more than ordinary military allowance

a. General

The travel of members of the Army, who are assigned to Military Assistance Advisory Groups established under the Mutual Security Act of 1954, is governed by the directions in the travel orders. The use of counterpart funds for such travel does not entitle the members to more or greater rights than are provided by the Joint Travel Regulations. Therefore, a member whose travel orders directed return via the Atlantic route and provided that travel time in excess of constructive air travel time was chargeable to leave, and who was furnished transportation in the United States, is not entitled to additional payment. 40 Comp. Gen. 140 (1960).

b. Source of travel funds

A commissioned officer of the Coast and Geodetic Survey serving in Liberia incident to a technical cooperation program under the Act for International Development, on reassignment to duty in Florida, may travel with dependents at own expense from Liberia to New York via Europe using foreign vessel part of the way—no American vessels being available—with leave en route and be reimbursed, including per diem, for such travel not to exceed cost which would be incurred by a usually traveled route from Liberia to New York, and be paid per diem for rail travel from New York to Florida; also all travel costs may be paid from funds transferred to the Department of Commerce by the Foreign Operations Administration. 33 Comp. Gen. 138 (1953).

3. Recoupment of overpayments

The unaccounted travel funds advanced by the Federal Aviation Administration to members of the Armed Forces detailed to the Department of Transportation as "Sky Marshals" to prevent air piracy, and who subsequently retired, may be recovered from the retired pay of the members indebted for the outstanding travel funds advanced, pursuant to 5 u.s.c. § 5514, notwithstanding the debt arose in other than a military department, as a detailed member remains a member of the Armed Forces subject to recall to duty, and since his paramount obligation is to the
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Military, his pay and allowances are subject to military laws and regulations, and the indebtedness of each individual should be referred to the appropriate military department for collection. 51 Comp. Gen. 303 (1971).

O. Special Per Diem

Outside United States

1. Approval subsequent to TDY

The Joint Travel Regulations may be amended to allow the Per Diem, Travel and Transportation Allowance Committee to approve payment of special per diem rates prescribed in the regulations for duty performed under unusual or extraordinary circumstances outside the continental United States subsequent to the performance of the duty. In such cases, the approval merely constitutes a determination that the duty was in fact performed under unusual circumstances contemplated by the regulations and would not involve retroactive determination of entitlement. B-161396, May 3, 1976.

2. Duration of entitlement

Where determination was made in accordance with Joint Travel Regulations that Air Force members would be entitled to special per diem just for period July 13—September 30, 1970, for TDY on Jomalig Island, Philippines, because only resort hotel accommodations were available, and TDY period was prolonged to November 20, 1970, members were entitled to special per diem for additional period, since prolongation of TDY was due to circumstances beyond members’ control and they remained subject to extraordinary living costs during additional period. B-172633, July 20, 1971.

P. Separation and Retirement

1. Rate for travel

Service member received retirement orders relieving him from active service on September 30, 1980, and placing him on the retired list effective October 1, 1980. He was paid a mileage allowance for travel to his home of selection based on the rate in effect on September 30, his last day of active duty. He is not entitled to the higher mileage rate which became effective the following day because, under Appendix J of the Joint Travel Regulations, the last day of active duty is the effective date for determining allowances for travel to a member upon retiring. B-205351, Mar. 10, 1982.
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2. Circuitous travel home upon discharge

An enlisted Navy man who had served in Vietnam and was separated in the Philippines where government transportation to the United States was available but who upon discharge returned to Saigon at personal expense to be married and then traveled by American commercial airline from Saigon to California is considered to have been authorized rather than directed to travel by government conveyance to the United States. He may be reimbursed for the commercial air transportation as provided in the Joint Travel Regulations, the reimbursement not to exceed the cost to the Navy to transport him by government air from Philippines to the continental United States subsequent to discharge. 52 Comp. Gen. 297 (1972).

3. Delayed travel upon separation

a. Paid by civilian employer

Member, who on retirement traveled to his home of selection in Iran, was reimbursed for travel expenses by member's civilian employer. Member is not entitled to reimbursement for travel expenses thereto since such travel was not performed at personal expense as required by applicable regulations. B-185732, Mar. 23, 1976. See also B-182900, Feb. 26, 1976; B-193167, Mar. 2, 1979.

b. Time limitations

The claim of a former Naval Reserve petty officer for travel and transportation expenses is denied because travel was not completed prior to the 181st day following separation as required for payment under the applicable regulations. Claimant's assertion that he was told by Navy personnel that he had 12 months following separation to complete his travel does not alter this conclusion, since it is established that the government is not bound by erroneous information given by its officers, agents, and employees. Adam L. Lucas, B-247071, May 28, 1992.

4. Travel to home of selection upon retirement—failure to establish residence within 1-year period

a. Visit to intended residence within 1 year

Retired service member did not qualify for a travel allowance under regulations authorizing travel to home of selection within 1 year of retirement, since although he visited his eventual retirement homesite in
the year following his retirement, he did not establish a home there within the 1-year period, but instead lived elsewhere for 4 years. B-165476, July 23, 1976. See also B-203135, Oct. 6, 1981; and B-207144, Oct. 5, 1982.

b. Travel for purpose other than to establish a residence

An Army officer retired from active service in May 1982, and since then he has continued to reside with his family in Marshfield, Missouri, where they had previously established a permanent residence in 1981. No payment may be made on the officer's claim based on his retirement orders for reimbursement of the expenses of a family trip from Kansas City to Marshfield in August 1982. A service member is generally entitled to transportation to his home of selection within 1 year of his retirement, but no reimbursement is allowable for the expenses of pleasure trips, etc., which are undertaken after retirement for purposes other than a change of residence. B-212353, Jan. 17, 1984.

Upon retirement, a member moved to Texas and shipped household goods there. He had designated Thailand as his home of selection. He traveled there within a year of retirement but remained only a short time. He is not entitled to travel allowances to Thailand because he did not travel there with the intent of making a home there at the time of his travel. Master Sergeant William J. Smith, USAF, (Retired), B-244829, Jan. 24, 1992.

A member who retired from active duty designated Eureka, California, as his home of selection. He traveled to California but remained there only a short time. He is not entitled to travel and transportation allowances to his home of selection since he did not take up residence in California. However, he indicates that he also traveled to his home of record at that time. When he provides documentation for that travel, he may receive allowances for his personal travel to his home of record. Master Sergeant Ricardo L. Martinez, usmc (Retired), B-244823, Feb. 14, 1992.

c. Extending the 1-year limit

 Approval is given a proposed revision of Volume 1 of the Joint Travel Regulations to extend the 1-year time limit for selecting a home upon retirement in deserving cases under circumstances in which the reason for the delay is in the best interest of the service concerned or the delay will not be to the financial or other detriment of the service concerned, provided it is clearly stated that travel must be incident to separation. B-207157, Feb. 2, 1983.
5. Travel to home of selection—extension of eligibility period

A retired Army member requested extension of time to complete travel to his home of selection upon retirement over 2 years after the initial 1-year period to complete the travel had expired. The Army denied the request for extension because the record did not meet the regulatory requirements for an extension. Consequently, the member's claim for travel allowances for himself and his dependents for travel performed 3 years after the member's retirement is denied. B-204864, Mar. 15, 1982.

6. Retired members not entitled to travel to home of selection—allowance for travel to home of record

Members of the uniformed services who, on termination of active service otherwise qualify for travel and transportation to home of record or place of entry on active duty under 37 U.S.C. §§ 404(c) and 406(a), are to be afforded such entitlements regardless of denial of travel expenses to home of selection under 37 U.S.C. §§ 404(c) and 406(g) in the absence of a statutory requirement that denial of travel and transportation to home of record or place of entry on active duty be made in such circumstances. 53 Comp. Gen. 963 (1974). See also 54 Comp. Gen. 1042 (1975), and B-210526, July 14, 1983.

7. Retired member called to active duty—travel to home of selection on subsequent retirement

A member who does not make a selection of a home incident to retirement within 1 year of retirement, but has assurance prior to expiration of 1-year limitation that recall to active duty is imminent, may have household goods shipped to home of selection on subsequent retirement following a period of active service. B-194599, May 22, 1979.

8. Home of selection must be bona fide residence

A member's claim for personal and dependent's travel from his last duty station to a place contended to be his bona fide home of selection for retirement, Kansas City, Missouri, is disallowed, since he has shown no evidence of actual and continuous residence at that place and the fact that his family from whom he is separated has established a residence there does not provide basis for payment. B-191550, Aug. 11, 1978.
Service member's claim for travel by privately owned vessel from Panama City, Panama, where he retired from active duty to a place he claims as his home of selection upon retirement, Panacea, Florida, is disallowed since he returned to Panama and has shown no evidence of actual and continuous residence in Panacea. The fact that he might ultimately move to that location does not provide basis for payment. B-209044, Mar. 1, 1983.

9. Travel from overseas for retirement processing

Army member who was transferred from Dhahran, Saudi Arabia, to Fort Dix, New Jersey, under orders for purposes of retirement separation processing, and who then traveled on to his home of selection for retirement in Athens, Greece, is entitled to travel allowances for all personal travel performed. However, since his travel from the United States to Greece was at personal expense via commercial airline, and it is not indicated that government transportation was unavailable, this reimbursement for that travel is limited to the cost for military airlift established by regulations. B-192949, June 6, 1979.

10. Per diem at processing station

A service member was transferred from overseas to a temporary assignment for retirement processing at Albany, Georgia, which was also his home of selection. He owned a residence there prior to the transfer and lived there for part of the time while awaiting retirement and commuting from his home to his duty station. In these circumstances he was not entitled to per diem after his arrival at Albany since that was his permanent residence. B-206299, Nov. 15, 1982.

A service member was transferred from a permanent unaccompanied tour overseas to a temporary assignment for retirement processing at Kansas City, Missouri, which was also his ultimate home of selection. His family had maintained their residence in Kansas City during his unaccompanied tour prior to his transfer, and he lived at the family residence while awaiting retirement, commuting from there to his duty station. He was not entitled to per diem after his arrival at the temporary duty station, since in these circumstances it had the effective status of a permanent duty station. B-213925, May 8, 1984.
11. Home of selection overseas

A service member was transferred from Greece to McGuire AFB, for retirement processing, and he selected Taiwan as his home of selection upon retirement. He is entitled to his travel at government expense from Greece to McGuire and then to Taiwan. However, he is not entitled to his wife's travel from Taiwan to the United States and return to Taiwan because she was residing in Taiwan when his retirement orders were issued. B-195604, Sept. 28, 1979. See also B-192949, June 6, 1979.

12. Commissioned officers, Public Health Service failure to complete term of service

A commissioned officer of the Public Health Service who does not complete a term of active service to which he agreed in writing may be divested of travel and transportation entitlements in accordance with regulations promulgated by the Public Health Service and paragraph M6457 of 1 Joint Travel Regulations (now 1 JFTR para. U7654), promulgated under 37 U.S.C. §§ 404(b) and 406(c). 58 Comp. Gen. 77 (1978). See also B-192285, Dec. 15, 1978; and B-201796, Mar. 17, 1981.
A. Distinction Between Local and Nonlocal Travel

1. Member in travel status ineligible to claim local travel

Local transportation expenses, which are authorized by section 2(m) of the Act of September 1, 1954, for official business within the limits of their duty stations, may also be paid for travel performed in the metropolitan area of the city in which the station is located, or in a comparable area surrounding the post of duty. However, members who are in a travel status within the meaning of section 303 of the Career Compensation Act of 1949 may not be paid for transportation under the 1954 Act. 35 Comp. Gen. 677 (1956).

2. Permissible area of local travel

The Joint Travel Regulations may be amended to expand the definition of the term “area” in para. M4500-2 (now in JTR para. U3500-B) to reflect the view that the area intended to be covered under 37 U.S.C. § 408 for reimbursement for travel in the vicinity of a duty station is the normal commuting area of the station concerned. However, in implementing the proposed amendment an arbitrary mileage radius should not be established in setting up the local commuting areas of permanent and temporary duty stations. 59 Comp. Gen. 397 (1980). See also B-206503, Nov. 30, 1982.

3. Travel to carrier terminal not local travel

One-way trips by members of the uniformed services between residence or duty station and carrier terminal incident to the beginning or ending of travel away from a permanent duty station are to be distinguished from travel on official business within the limits of a duty station, which is reimbursable under section 2(m) of the Act of September 1, 1954. Therefore, the reimbursement authority for commutation of such one-way trip expenses on a round-trip mileage basis under section 303(a) of the Career Compensation Act of 1949 is subject to the 7 cents a mile maximum fixed by section 303(a) of the Career Compensation Act of 1949. 39 Comp. Gen. 464 (1969). See also B-206503, Nov. 30, 1982. See 37 U.S.C. §§ 404 and 408 for current authority.

4. Mileage allowance at higher rate for local travel

The travel of a Marine officer who was verbally directed to travel by privately owned vehicle from his permanent duty station at Quantico to Marine Headquarters in Arlington, as well as to various locations in
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Washington, D.C., incident to temporary duty—travel subsequently approved for reimbursement—is interstation travel within the purview of 37 U.S.C. § 404. Accordingly, it is reimbursable at the 7-cents-per-mile rate prescribed by the Joint Travel Regulations rather than at the higher rate provided pursuant to 37 U.S.C. § 408 for travel within the limits of a member's station. Although 37 U.S.C. § 404 requires travel to be authorized by written orders, confirmation of the verbal orders by competent authority shortly after the performance of the travel as being advantageous to the government may be accepted for the purpose of reimbursing the officer. 52 Comp. Gen. 236 (1972). See also 59 Comp. Gen. 397 (1980); and B-206503, Nov. 30, 1982.

5. No per diem for local travel

Members of the uniformed services while performing temporary duty as escorts for deceased members within the corporate limits of their permanent duty station may not be paid per diem, even though the distance traveled to the funeral site is over 56 miles. The allowances prescribed in 10 U.S.C. § 1482 for escort duty may only be considered in conjunction with 37 U.S.C. §§ 404 and 408, regarding entitlement generally for travel performed on public business under competent orders. Under section 404, per diem for temporary duty is payable only when a member is away from his designated duty station; and for travel within the limits of his permanent duty station, a member under section 408 may only be paid transportation costs. Therefore, the Joint Travel Regulations may not be amended to provide per diem for escort duty at a permanent duty station. 49 Comp. Gen. 453 (1970). See also 1 JTR para. U7601.

B. Local Travel Performed at a Temporary Duty Station

See also "Transportation Expenses," Chapter 3, F., of this title.

1. Reimbursement authorized

Transportation expenses incurred by members of the uniformed services in the conduct of official business at temporary duty stations may be reimbursed in the same manner as for reimbursement of such expenses at permanent duty stations to the extent that payment is not currently provided as incident to the temporary duty orders. 37 Comp. Gen. 680 (1956).
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2. Mileage allowance in commuting between home and temporary duty station

Members under permanent change of station orders directing performance of temporary duty en route may not be paid per diem during period of TDY if they commute daily between their TDY stations and residence type quarters. However, they are entitled to mileage allowances for commuting travel if travel is performed in privately owned vehicles. If such travel is entirely within area defined for local travel in Volume 1 JTR, mileage allowances are computed at rate prescribed. However, if such travel is from outside metropolitan area of TDY station, mileage allowances are computed at lower rate prescribed in Vol. 1 JTR for TDY travel. 54 Comp. Gen. 803 (1975). See also B-206503, Nov. 30, 1982.

C. Travel Between Residence and Permanent Duty Station

1. No reimbursement for normal travel between home and place of duty

Officers who are assigned to the Armed Forces Courier Service located in the Pentagon from where they depart with the classified material they are escorting to National Airport via government vehicle and return from Friendship International Airport by air carrier trucking service—a special delivery service and not a regularly scheduled limousine service for the convenience of all airline passengers—may not be reimbursed the transportation expense involved for round-trip travel between the Pentagon and their residences. The Pentagon is not a terminal of the carrier incident to either departure or return travel of the officers and, therefore, there is no authority to reimburse the officers for travel normally required between home and place of duty. 42 Comp. Gen. 544 (1963). See also 42 Comp. Gen. 612 (1963); 45 Comp. Gen. 30 (1965).

2. No reimbursement for normal travel between government quarters and duty location

Air Force members are responsible for bearing the costs of their ordinary commuting travel between their residences and permanent posts of duty. This is so regardless of whether they reside in private lodgings or government quarters, although shuttle bus service may be established for enlisted personnel residing in government quarters when other forms of transportation, including private automobile, are not adequate to meet their commuting needs. Hence, two Air Force sergeants did not become entitled to travel allowances for commuting by private automobile between their dormitory and duty area simply because shuttle bus service...
between those places was discontinued as unnecessary. B-214444, Oct. 2,
1984.

3. Taxicab between home and place of duty outside regular duty hours

A member of the uniformed services dependent on public transportation
whose performance of duty outside regular duty hours is during hours of
infrequent transportation service or after dark may be reimbursed the
expense of taxicab fare for travel between his permanent duty station and
place of abode, even though the member is considered to be on duty at all
times unless excused. A member experiences the same problems a civilian
encounters in similar unusual travel circumstances where the travel of the
civilian outside regular duty hours is considered travel on official business
entitling him to reimbursement of travel costs. Therefore, the Joint Travel
Regulations may be amended to provide reimbursement to members of
taxicab fares, subject to the same limitations applied to civilian employees.
48 Comp. Gen. 124 (1968). This amendment is found in 1 JFTR para. U3535.

4. No mileage allowance for automobile travel between home and place of
duty outside normal duty hours

Member who uses a privately owned vehicle when called back from his
place of lodging to his normal duty location to give technical assistance is
not entitled to reimbursement under 37 u.s.c. § 408 for travel between
those locations. Travel between a member’s lodgings and his normal duty
location must be performed at personal expense even where it is
performed before or after normal duty hours or results from ordered
performance of additional duties. The regulatory exception to that rule
under which a taxi may be used at government expense applied only in
unusual situations during hours of infrequently scheduled public
transportation or darkness. B-183225, Oct. 21, 1975. See also B-203014,

5. No reimbursement for taxi fare incurred due to automobile breakdown

As a general rule, travel between a member’s residence and place of duty
is not regarded as travel on official business within 37 u.s.c. § 408
(1970) but is the personal responsibility of the member. An exception to
that rule, provided by Volume 1, Joint Travel Regulations, does not
authorize reimbursement of a taxi fare incurred by a member who had to
take a taxi 1 day because his car would not start and no public
transportation was available. The fact that his “regularly scheduled duty
hours" were outside normal duty hours does not change this conclusion. B-188786, June 24, 1977.
Members of the uniformed services have been authorized travel and transportation for their dependents at government expense from a very early date and upon the basis that such an allowance was payable only when some travel was performed. The statute providing such authorization, presently codified as 37 U.S.C. § 406, was enacted in recognition of the hardships members would encounter if some provision was not made for keeping them and their families together. It was never intended to be a gift for travel not performed or for travel which could not be considered as incident to a change of residence resulting from an ordered change of station (PCS), see 33 Comp. Gen. 431 (1954), or in some other way in the interest of or for the convenience of the government. This right is based on and is no greater than the rights secured to the member under orders incident to his own travel, unless applicable provisions of law provide otherwise. See 46 Comp. Gen. 852, 855 (1967). Although travel and transportation of dependents is authorized under various types of orders, the most common and most frequent is the PCS move.

A. Exclusions or Limitations of Certain Members

1. Cadets and midshipmen—limited travel rights of dependents
   a. Dependents acquired at academy upon commissioning

   Travel was performed by a dependent incident to orders received by a graduate of the United States Military Academy upon receipt of commission as an officer, which orders assigned the member to an initial permanent duty station, with temporary duty en route. The orders entitled the member to a travel allowance for his own travel on the basis of the distance actually traveled not to exceed that from home or from West Point to the new station by way of any temporary duty station. The member is entitled to reimbursement for dependent travel not to exceed the farther point, home or West Point, to the new station, irrespective of whether the officer's travel was directed from West Point or from home. 38 Comp. Gen. 790 (1959).

   b. Dependent acquired after date travel from academy required

   A graduate of the United States Military Academy, upon receipt of a commission as an officer, was assigned to a new permanent duty station, with temporary duty en route. He acquired a dependent before the date he was required to commence travel to report to the temporary duty station. He was entitled to reimbursement for travel of the dependent to the new station not to exceed travel from farthest point under his orders to the
new station. However, if the dependent was acquired after the date of required travel to the temporary station, reimbursement may not exceed entitlement from the temporary to the permanent station irrespective of the place where the dependent was acquired. 38 Comp. Gen. 790 (1959).

c. Dependent acquired while on temporary duty after commissioning

A graduate of the United States Military Academy, after receipt of a commission and orders to a new permanent duty station with temporary duty en route, acquired a dependent following arrival at, but on or before the date he was required to depart from, the temporary duty point. He was entitled to reimbursement for travel performed by the dependent to the permanent duty station, not to exceed the cost from the temporary to the permanent duty station, irrespective of the place where the dependent was acquired. 38 Comp. Gen. 790 (1959).

2. Members on active duty for instruction

A member assigned to a school or institution as a student, if the course is to be less than 20 weeks' duration, is not entitled to transportation of dependents. B-150203, Nov. 26, 1962; B-144000, Nov. 10, 1960.

3. Reservists in basic training

An enlisted member of the Reserve component called to active duty for the purpose of engaging in basic training of less than 6 months, and a member called to active duty for less than 20 weeks or active duty for training for less than 20 weeks, is not entitled to transportation of dependents. See generally, 43 Comp. Gen. 650 (1964).

B. Orders Requirements

1. Travel without orders

Where dependents of a member of a uniformed service move from an overseas duty station without orders and without authorization from the Secretary concerned, a claim for reimbursement by the member for the dependents' transportation costs on a subsequent permanent change of station of the member must be denied. B-195941, Oct. 18, 1979. See also B-212149, Dec. 16, 1983.
2. Loss of travel orders

Retired military member seeks travel expenses for himself and dependents incident to his permanent change of station in 1973. Member has no copy of his travel orders nor does military recordkeeping entity. Accordingly, since relevant statutes and implementing regulations require written orders from competent authority for payment of travel expenses, and the burden is on the claimant to satisfactorily prove his claim, claim is denied. B-204296, Dec. 9, 1981.

3. Travel prior to orders

a. Before PCS orders issued

Members of the uniformed services whose dependents travel prior to issuance of permanent change-of-station orders may not be reimbursed for travel expenses under 37 U.S.C. § 406 (1976). Under paragraph M7003-4 of the Joint Travel Regulations (now JFTR para. U5203-C), an exception to the general rule may be authorized provided the voucher presented for payment is supported by a statement from the commanding officer (or his designated representative) of the headquarters issuing the orders that the member was advised prior to the issuance of the orders and performance of travel that such orders would be issued. However, mere notification and administrative recognition of date of eligibility for retirement may not be considered as advice that orders are to be issued. See 52 Comp. Gen. 769 (1973). See also, B-192007, July 24, 1978; B-193339, June 28, 1979; and B-192165, July 24, 1978.

Because of general information received by an Army officer that he would probably be reassigned to Fort Leonard Wood, Missouri, his dependents moved from Kansas City to Marshfield, Missouri, in August 1981 to establish a residence near that post. A month later permanent change-of-station orders were in fact issued reassigning the officer to Fort Leonard Wood, but reimbursement of the expenses of the family's early move to Marshfield may not be allowed on the basis of those orders. The rule is that the expenses of dependent travel performed prior to the issuance of anticipated permanent change-of-station orders are nonreimbursable unless the claim is supported by a written statement from the orders-issuing authority verifying the service member's receipt of specific advance notification that the orders definitely would be published. B-212353, Jan. 17, 1984.
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b. After notification before orders issued

In contemplation of the deactivation of a military base, a member was selected for overseas assignment at which he elected to serve an unaccompanied tour. Before the orders were issued he was given a humanitarian assignment within the United States under orders issued about the same time the overseas transfer would have been made. The member is entitled to reimbursement for the advance travel of his dependents incident to his PCS transfer within the United States on the basis of an administrative determination that the transfer was for the needs of the service. 42 Comp. Gen. 504 (1963).

c. Costs incurred in contemplation of orders never issued

A member's claim for reimbursement for costs incurred preparatory to a permanent change of station where the member had been notified of the PCS but orders were never issued, including loss on sale of a mobile home and furnishings and the replacement costs of furnishings and appliances, may not be allowed because there is no authority to pay such costs. B-192165, July 24, 1978.

d. Begins travel before member's orders but arrives after member

An announcement that a member had been selected to receive a commission and that he would attend an indoctrination course, together with a letter from the member's commanding officer to support the fact that the dependents commenced travel prior to effective date of the member's orders and arrived at the new station after the member, does not indicate that the member had knowledge of the PCS at the time dependents began their travel. Therefore payment of dependents' travel is authorized only from the place where the dependents were located on the effective date of the PCS orders, not to exceed the distance from the place where the dependents had been located prior to travel to the new station. 40 Comp. Gen. 251 (1960).

e. Prior to release orders

Reimbursement for travel of a dependent wife from the last duty station to home, 2 months before issuance of orders which released the member from active duty, is not authorized under the JTRS which contemplate departure of dependents during short period of time between determination to order change of station and date of issuance of orders. 34 Comp. Gen. 241 (1954).
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f. Prior to release due to nonselection for promotion

An officer of the Air Force was not selected for promotion to the next highest grade and in anticipation that he would be nonselected a second time, thus being involuntarily released from active duty, moved his household effects and dependents to his home of selection. Since the movements were before orders for his release from active duty were issued, no reimbursement may be made for the transportation expenses incurred by the officer. B-193767, Jan. 20, 1979.

g. Prior to placement on temporary disability retired list

A member who, while on leave prior to permanent retirement, traveled to his home is not entitled to a mileage allowance because of erroneous advice that his name had been placed on the temporary disability retired list (TDRL) nor to mileage and reimbursement for dependent's travel prior to issuance of competent orders. 36 Comp. Gen. 633 (1957).

4. Temporary duty orders

a. General rule

The transportation of dependents of members to the temporary duty stations overseas to which the members have been assigned incident to an ordered PCS overseas is not provided for by 37 U.S.C. § 406. Therefore, there is no authority for the promulgation of regulations to permit the travel of dependents to a member's permanent duty station via his temporary duty points, subparagraph (a) limiting the transportation of dependents incident to an ordered PCS to the distance from the old to the new permanent station, notwithstanding the exceptions to the general rule in subparagraph (e). 42 Comp. Gen. 287 (1962).

b. Temporary duty changed to permanent

Members of a naval air squadron were issued orders to proceed to a temporary duty station overseas on or before May 1, 1958, and by dispatch of April 29, 1958, received April 30, 1958, the temporary duty station was designated as a permanent station effective August 1, 1958. The effective date of orders for entitlement to transportation of dependents is April 30, 1958, since when the members reached the overseas station they were at their permanent station for entitlement to transportation of dependents. Also, even though the orders might be canceled before August 1, 1958, a
member whose dependents traveled after April 30, 1958, would be entitled to return transportation of dependents. 38 Comp. Gen. 697 (1959).

5. Modification, cancellation, revocation of orders

a. Change of permanent station

A member's orders transferring him from overseas to a duty station within the United States were changed prior to the effective date by orders directing him to report to another station. He is entitled to an allowance for the transportation of his dependents for a distance no greater than from the designated location to which they had been furnished transportation at government expense from the member's overseas station prior to his relief from that station to the location of the ultimate permanent duty station in the United States to which the travel was actually performed. 33 Comp. Gen. 43 (1953).

b. Preparatory expenses, order canceled

Passport application expenses incurred by an Army member, incident to PCS orders to an overseas assignment which are revoked prior to the commencement of travel by the member and his dependents are preparatory expenses that are not reimbursable under 37 u.s.c. § 406a. That section provides for reimbursement of expenses for travel commenced prior to the effective date of PCS orders that are modified, canceled, or revoked. Here the transfer orders of the member having been revoked before the member and his dependents departed the old station, absent specific statutory authority in the statute for the reimbursement of preparatory expenses, the claim for passport costs may not be allowed. 45 Comp. Gen. 34 (1965). But see 63 Comp. Gen. 4 (1983).

c. Revocation of retirement orders

A member whose dependents traveled to a selected retirement home prior to the issuance of retirement orders that were canceled at his request prior to effective date and then traveled to the member's new permanent duty station located in the corporate limits of his old station was entitled to a monetary allowance for both moves. When orders that direct a PCS, including orders directing release from active duty or retirement are canceled or modified before their effective date for the convenience of the government and/or in circumstances over which a member has no control, the benefits prescribed by 37 u.s.c. § 406a accrue. The fact that the member
withdraw his retirement request is immaterial since the government was under no obligation to accept the request and apparently did so primarily for the convenience of the government. 53 Comp. Gen. 55 (1973).

d. Administrative error in orders necessitating PCS and extra expenses

A service member's eligibility for a deferral from an overseas assignment due to lack of facilities necessary for one of his dependents was not discovered until after his arrival, with dependents, at the overseas station. Once the lack of appropriate facilities was discovered, he was then reassigned to another station in the United States. There is no legal authority to reimburse the member for extra expenses relating to the two changes of station in excess of travel and relocation allowances set by statute and regulation, even though such extra expense resulted from administrative error. B-205403, Jan. 8, 1982.

e. Need to show error of material fact

The wife and children of an Army officer stationed at Camp Zama, Japan, were transported from Japan to Kansas City, Missouri, under orders issued in May 1981 authorizing an early return of dependents from overseas. In August 1981 they traveled from Kansas City to Marshfield, Missouri, where they established a new residence. Travel orders may not be amended retroactively to increase travel allowances except when plain error in the orders' preparation is shown. Therefore, in the absence of facts clearly demonstrating that the May 1981 orders were materially in error when prepared in designating Kansas City rather than Marshfield as their intended destination in the United States, the officer may not be reimbursed for the expense of their further travel from Kansas City to Marshfield on the basis of those orders. B-212353, Jan. 17, 1984.

C. Travel Performance Requirements

1. Within corporate limits of duty station

a. PCS within corporate limits

A member is not entitled to transportation of dependents at government expense where the dependents remain at his place of residence on his transfer overseas and then move to a new address in the same city on his reassignment to the former station. 35 Comp. Gen. 167 (1955).
b. Change of duty assignment—same station

A change of duty assignment from one point to another within the corporate limits of the same city is not a permanent change of station within the meaning of the applicable statute and regulations such as would authorize transportation of dependents. 36 Comp. Gen. 113, 115 (1956).

2. Delay in performance

a. After second PCS

Since the dependents of a member did not exercise the right to government transportation when the member was transferred from his old permanent duty station in Hawaii to a new permanent duty station in Texas, upon the member’s permissive transfer, at his expense, to a subsequent permanent station in California, the dependents may be afforded transportation from Hawaii to California for a distance that does not exceed the distance between Hawaii and Texas. 53 Comp. Gen. 667 (1974).

b. More than 2 years after orders

When a member was transferred from Florida to Mississippi, his family stayed in Florida. More than 2 years after PCS orders returned him to Florida, he moved his dependents to on-base housing. He is not precluded by the delayed move from entitlement to dependent travel, since no time limitation is imposed on the exercise of the right to dependent travel incident to PCS. The fact move was delayed for personal reasons pending the sale of the member’s house does not affect his right to move his dependents. 45 Comp. Gen. 589 (1966).

c. Delayed returns to United States

Where, due to disturbed conditions and the nonavailability of transportation timely requested, the dependent wife of a member ordered to a PCS in the United States from his foreign duty station did not travel from the member’s foreign station to the United States until after he had had further permanent changes of station, the member may be allowed the commercial cost of the dependent’s travel from overseas station to his present permanent station in the United States, provided no government transportation was available for the sea travel performed. 24 Comp. Gen. 887 (1945).
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d. After travel restrictions removed

A member’s dependents, incident to his PCS from overseas to a restricted area within the United States, were moved to a selected home. Upon learning when he arrived at the restricted duty station that the restriction had been removed prior to his transfer, he is entitled to a monetary allowance in lieu of transportation for dependents’ travel from the home selected to his new duty station on the basis the member was on duty at the new station when the restriction on travel was removed. 50 Comp. Gen. 366 (1970).

D. Overseas Travel—Special Rules

1. Dependents not with member

a. Member overseas without dependents

A member who interrupted his travel from Saigon to Philadelphia incident to his transfer to the Fleet Reserve to be married in England is not entitled to his dependent’s transoceanic transportation at government expense since the member is considered to have been without dependents at his restricted overseas station. 51 Comp. Gen. 485 (1972).

b. Concurrent travel authorized after member travels

A member transferred overseas, whose dependent wife was authorized to travel to the overseas station at the same time as the member, is not entitled under the JTRs to reimbursement for the cost of transportation of wife from the old station to a designated place in the United States and thence to the port of embarkation, but is limited to the cost of travel from the old station to the embarkation port even though the member was originally advised that concurrent travel for dependent wife could not be authorized. 33 Comp. Gen. 160 (1953).

c. Modification of orders

Member’s dependent traveled to a designated place within the United States incident to orders which transferred him to an undisclosed overseas station. He was subsequently assigned to a permanent station within the United States by modifying orders issued after effective date of original orders and after member had departed from old station. He is entitled under the JTRs to reimbursement for dependent’s travel to the designated place and her transportation from there to the new permanent station,
even though the member did not actually proceed to an overseas station. 33 Comp. Gen. 332 (1954).

2. Overseas on short tour

a. Unexpired term of service less than tour length

In the case of a member whose unexpired term of service is less than the prescribed tour to an area outside the United States for the area to which assigned, unless the member voluntarily extends his term of service to permit completion of the prescribed tour or the Secretary of the military department concerned grants an exception to the normal overseas tour on an individual basis, transportation of dependents is not authorized. Signing of intent to reenlist would not be viewed as obligating the member to serve for an additional period of time so as to meet the requirements of travel authorization. B-169483, Apr. 22, 1970; B-157874, Dec. 10, 1965; and B-186440, July 6, 1976.

b. Less than 12 months of tour remaining

A member, who shortly before issuance of PCS orders to a restricted area marries and pays the cost of his wife's travel to the United States, has not met the requirements that he have at least 12 months remaining on his overseas tour after acquisition of a dependent for entitlement to reimbursement for dependent's travel. 47 Comp. Gen. 445 (1968). However, see cases set forth in d. and e., immediately below.

c. Dependent acquired overseas

A member was married in Honolulu, his home, where his wife continued to reside when he was assigned to Vietnam in an ineligible grade for dependent travel. Prior to the effective date of the PCS to Texas he was promoted to an eligible grade for dependent transportation. Nevertheless, he is not entitled to reimbursement for his wife's transoceanic travel, even though his status is similar to that of a member who acquired a dependent overseas. He did not have at least 12 months remaining on his overseas tour, nor has his dependent been authorized to be present in the vicinity of his overseas station. He, therefore, is regarded as a member "without dependents" and subject to the restrictions of the JTR. 51 Comp. Gen. 362 (1971). See cases in d. and e. immediately below.
d. Transportation of children between PCS assignments overseas

A member who was transferred to an overseas duty station did not have custody of his two minor children by a prior marriage at the time of transfer. Thereafter, he was granted custody by court order for a 1-year period and seeks reimbursement for their travel to his overseas station. Reimbursement is allowed. Under the provisions of paragraphs M7000-13, M7000-20, and M7016 of Volume 1, Joint Travel Regulations, dependent children may be transported at government expense to a member's overseas location between PCS assignments, so long as the purpose is to change the dependents' residence. Since the member acquired custody of the minor children for an extended period, his decision to transport them to his overseas duty station was for the purpose of establishing their residence with him. See Colonel James Roche, USAF, B-198961, Mar. 18, 1981, aff'd on reconsideration, B-198961, Oct. 4, 1984. Chief Warrant Officer Michael W. Pennington, B-227594, June 8, 1988. Generally, see 1 JFTR ch. 5, Part C.

A member who was transferred to an overseas duty station did not have custody of his minor child by a prior marriage at the time of his transfer. Thereafter, the member gained custody of the child, and he seeks reimbursement for the dependent's travel to his overseas location. Reimbursement is allowed. Under the provisions of paragraphs U5203-B11, U5203-B18, and U5215-I of Volume 1, Joint Federal Travel Regulations, a dependent child may be transported at government expense to a member's overseas location between transfer assignments so long as the purpose is to change the dependent's permanent residence. See Chief Warrant Michael W. Pennington, USA, B-227594, June 8, 1988. Captain Steven F. Triplett, USA, B-228964, Sept. 14, 1988.

e. Return of children to United States to residence of former spouse

A member stationed at an overseas location had court-ordered custody of his two minor children by a prior marriage. Because the children wanted to return to live with the member's former spouse, he sought their early return travel between school semesters at government expense. Under the provisions of paragraphs M7103-1 and M7103-2 of Volume 1, Joint Travel Regulations (now para. U5240-D1 and 2), transportation of dependents from an overseas location to a designated location in the United States for compelling personal reasons is authorized at government expense if the travel is approved in advance based on the interests of the dependent, the minor dependent's travel to the member's former spouse's residence is
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A member was transferred to an overseas duty station and acquired custody of his minor child by a prior marriage between transfer assignments, but with less than 1 year of duty remaining at that station. His right to transport that minor child to his overseas location at government expense for permanent residency purposes is governed by paragraph U5203-B18 of the Joint Federal Travel Regulations, which specifically authorizes that travel when a member acquires custody of a dependent child between overseas transfer assignments. See, Chief Warrant Officer Michael W. Pennington, USA, B-227594, June 8, 1988; Captain Steven F. Triplett, USA, B-228964, Sept. 14, 1988.

3. Approval of presence by commander

a. Travel to United States

Travel to the United States at government expense when the presence of the dependents at the overseas station was not authorized or approved by the appropriate overseas commander is not authorized. 51 Comp. Gen. 362 (1971) and 51 Comp. Gen. 485 (1972).

b. Travel within United States

Entitlement to expenses of travel of member's wife from overseas station where member's order made no provision for her travel, depends on whether her presence overseas was command sponsored. If so, reimbursement may be made for the cost of government air travel from overseas station to home of record incident to member's separation. If not command sponsored, there is no entitlement to overseas transportation and transportation within continental United States is limited to a monetary allowance of the distance between the aerial port of debarkation and the home of record. 53 Comp. Gen. 105 (1973).

4. Designated location travel

a. From United States designated location to overseas

Transportation of a dependent of a member to the member's overseas station from a place to which the dependent had gone at government expense under earlier change-of-station orders within the United States
and where the dependent remained after the member was transferred overseas without concurrent travel of dependent being authorized may be regarded as travel from a designated location to the overseas station for reimbursement of the full cost of transportation. The limitation in the JTRS which precludes payment of transportation in excess of the cost from the old to the new station when travel is performed from a place other than the member's old station, is not applicable to transfers to overseas areas. 38 Comp. Gen. 453 (1958).

b. To location in United States certified as bona fide residence

Marine officer transferred from unrestricted duty station in North Carolina to restricted duty station at Okinawa, Japan, certified that dependents' travel to New Hampshire was travel to a designated place for purposes of establishing a bona fide residence. Subsequently, he alleges certification was done because of erroneous advice and that dependents intended to establish residence in Okinawa. Member claims dependents' travel from North Carolina to Los Angeles, California, the port of embarkation for Okinawa. Since member's entitlement vested upon his certification of New Hampshire and dependents' actual travel there, member may only receive dependents' travel allowances to New Hampshire. B-195420, Jan. 9, 1980.

Marine was transferred from an unrestricted duty station in North Carolina to a restricted duty station in Okinawa. He moved his dependent from North Carolina to his home of record in Dallas, Texas. Subsequently, two of his dependents joined him at personal expense in Okinawa. Upon completion of the Okinawa tour, he was assigned on a permanent change of station to Hawaii. Instead of designating Dallas as his dependents' residence and requesting dependent travel at government expense from North Carolina to Dallas, at the instruction of travel personnel in Okinawa, he filed a claim for and received dependent travel allowances from North Carolina to Seattle, Washington, the dependents' point of debarkation from Okinawa. He should have received dependent travel allowances only from his old duty station to the home in Dallas and then directly from Dallas to his new duty station in Hawaii. B-210205, Aug. 24, 1983.

c. Dependents visiting member when PCS orders issued

A Navy member who was stationed in Tunisia was returned to the United States under permanent change-of-station orders. Travel was authorized for his dependents. He may not be reimbursed for the travel of his stepson, residing and attending college in Tennessee, who was visiting the family in
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Turisia and returned to Tennessee to resume his studies at the time the member received the change-of-station orders. The stepson's travel either to or from the duty station of the member is not authorized under these circumstances. B-218655, Sept. 17, 1985.

Uniformed service members' dependents were moved at government expense to designated places in the United States when the members were transferred to an overseas station to which dependents may not be moved at government expense. Subsequently, the dependents joined the members at personal expense in the area of overseas restricted duty station. The dependents were in the area with the members when they were notified of a permanent change of station to an overseas unrestricted duty station, but the dependents returned to the designated place in the United States prior to travel to new duty station. The members may be reimbursed dependents' transportation expenses from the designated place to the new permanent duty station since the dependents had established a residence at the designated location to which they returned. B-195643, Apr. 24, 1980.

5. Member transferred to restricted area

The Joint Federal Travel Regulations may be changed to allow the payment of station allowances for service members' dependents who are moved to a designated place outside of the continental United States in Alaska, Hawaii, Puerto Rico, or in any territory or possession of the United States when the service members are transferred from their duty stations inside the continental United States to a restricted area in the same circumstances that would allow payment of the dependents' transportation to the place upon the authorization or approval of the Service Secretary concerned. 49 Comp. Gen. 548 (1970) and Lieutenant Colonel Charles D. Robinson, 56 Comp. Gen. 525 (1977), modified. Overseas Station Allowances—Dependents at a Designated Place When the Service Member is Transferred to a Restricted Place of Duty, 68 Comp. Gen. 167 (1989).

E. Sea Duty—Special Rules

1. Dependent travel authorized when sea duty is determined "arduous"

A member of the uniformed services was assigned on a permanent change of station to sea duty and the duty was determined by the Secretary concerned as being unusually arduous (absent from the home port for long periods totaling more than 50 percent of the time). The regulations may be amended to authorize transportation at government expense of
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dependents, baggage, and household effects to and from a designated place even though the location of the home port or shore station are the same, since such duty is considered sea duty under unusual circumstances as provided for in 37 U.S.C. § 406(e) (1970). 43 Comp. Gen. 639 (1964), modified. 57 Comp. Gen. 266 (1978). See 1 JFTR para. U5222-D2.

2. Change in home port or base designation

a. Qualifications date as dependents

Members were assigned to Fighter Squadron 162, essentially a ship-based fleet activity mobile unit, when they received notice—in September 1961—that the home base of the squadron was changed. They did not move their dependents to the new station until 1962, or several months after the effective date (1961) in the notice, because their unit was deployed overseas at the time. The squadron returned to the continental United States in 1962. The effective date in the orders (1961) directing the change of the home base of the squadron is the date for determining the members' dependents who are entitled to transportation at government expense rather than the date (1962) the families actually moved to the new base. 42 Comp. Gen. 167 (1962).

b. Dependent travel authorized

A member of the naval forces was assigned to a vessel the home port of which was changed to a location overseas and 6 months later changed to a location in the United States. He may be paid a monetary allowance for travel of dependents incident to the change of home port from the United States to overseas, not to exceed that payable for the distance from the old home port to the port of embarkation. The member also may be paid an allowance incident to the change of home port from overseas to the United States, not to exceed that payable for the distance from the port of embarkation to the new home port, even though no land miles are involved in either change of home ports. 32 Comp. Gen. 485 (1953).

3. Transfer between ships

a. Home port same, different home yard

A Navy member upon reenlistment and prior to a transfer to a new permanent station aboard a vessel home-ported in the United States, returned on leave to his home of record, the Philippine Islands, where he
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was married. A year later he was transferred to another vessel at the same
home port. The member is entitled to the transportation of his dependents
from the Philippines to the home port of the vessels pursuant to the
JTRS
incident to his first permanent duty station assignment upon reenlistment.

F. Separation Under Less Than Honorable Conditions

1. Separation in the United States

Under the statutes and regulations currently in effect, service members
stationed outside the United States who are separated under less than
honorable conditions are authorized return transportation of their
dependents and household goods under 37 U.S.C. § 406(h). Such authority
does not extend to those stationed within the United States. However,
under the recently enacted provisions of 37 U.S.C. § 406(a)(2)(A), members
stationed in the United States who are separated under those conditions
are authorized transportation of dependents by the least expensive
transportation available, but not household goods. Court-martialed
personnel sentenced to receive punitive discharges who are stationed
outside the United States and who are placed on appellate leave to await
final separation may be allowed transportation of dependents and
household goods on that same basis. Such personnel stationed inside the
United States and placed on appellate leave may be authorized
dependents' transportation but not household goods transportation.

Subchapter II—Status as Dependents

A. Spouse

1. Male or female member

The distinction between the dependents of male and female members of
the uniformed services was determined to be unconstitutional by the
Supreme Court of the United States in Frontiero v. Richardson, 411 U.S. 677
(1973). Therefore, proof of financial dependency which was not required
for wives of members may not be required for husbands of members as

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2. Common-law spouse

The marriage of a member in Nevada prior to the date the wife's California interlocutory divorce decree became final is a nullity under the laws of Nevada so that the parties cannot be recognized as husband and wife during the period prior to the final decree. However, after the impediment was removed, the cohabitation of the member and person he married in Colorado, which recognizes common-law marriages, constitutes a common-law marriage so that the member qualifies for dependents' allowances. 39 Comp. Gen. 374 (1959). See also B-186179, June 30, 1976.

3. Proxy marriage

In view of the decision of the courts of the state of New York holding that a proxy marriage performed in the District of Columbia is valid, such a marriage, if otherwise proper, will be recognized by the General Accounting Office as a valid marriage for pay and allowance purposes. 32 Comp. Gen. 173 (1952).

4. Remarriage after foreign divorce

A service member who married a foreign national in Virginia after he secured an ex parte divorce from his first wife in the Dominican Republic, where it appears that he did not establish a residence or domicile and where his wife was not present in person or represented by counsel, now seeks dependent benefits for the second wife and her dependent children. This entitlement may not be allowed in view of the longstanding rule that in the absence of bona fide domicile in the foreign country where the divorce is granted, such divorces are considered of such doubtful validity that recognition of the divorce and subsequent marriage is required by court of competent jurisdiction in the United States. Further, neither the issuance of a state required marriage license nor the issuance of an alien residency card identifying the second wife as the member's spouse satisfies the court recognition requirement. B-205174, Apr. 12, 1982. But see also 61 Comp. Gen. 104 (1981).

5. Marriage after orders issued

The right of a member to the transportation of dependents accrues on the effective date of the orders to make a PCS, and marriage after that date and while en route to new station does not entitle the member to transportation of spouse from her home to the new station. 2 Comp. Gen. 712 (1923); 4 Comp. Gen. 438 (1924); and 24 Comp. Gen. 927 (1945).
6. Marriage before travel required

An officer who was detached from his overseas station without being assigned to a new PCS, such station being assigned upon his arrival at the temporary station in the United States, is entitled to transportation to the new station for his wife whom he married before the expiration of leave granted after arrival at the temporary station, that is, before he was required to commence travel under the orders assigning a new PCS, the cost not to exceed that from the temporary station. Where, however, orders detaching an officer from his overseas station and assigning him to a PCS in the United States were amended to authorize delay en route for purposes of recuperation, etc., prior to completing travel to the new station, the officer, who was married during the period of authorized delay, on a date after he was required to commence travel, acquired no right to transportation to the new station for his wife by reason of such amended orders. 26 Comp. Gen. 339 (1946) and 38 Comp. Gen. 790 (1959).

7. Return from overseas after divorce

No objection is raised to a proposed amendment to the JTRS which would permit return travel to the United States of dependents of members stationed overseas who traveled overseas as dependents but ceased to be dependents because of divorce or annulment of the marriage prior to the date the member became eligible for their return travel. 53 Comp. Gen. 960 (1974). See also, B-191100, Apr. 13, 1978; and 61 Comp. Gen. 62 (1981); 61 Comp. Gen. 180 (1981). However, the ex-spouse who incurs the travel expense may be paid the allowance directly only if the member authorizes such payment. B-193430, Feb. 21, 1979. See 1 JFTR para. U5240-E.

8. After acquired spouse

In the absence of statutory authority, the Joint Travel Regulations may not be amended to allow reimbursement to a member for transportation of dependents acquired subsequent to the effective date of orders assigning the member to a new duty station. 35 Comp. Gen. 673 (1956).

9. Separation of spouse

A member under permanent change-of-station orders traveled concurrently with his wife, who was traveling under separation orders. He is not entitled to dependent transportation allowance on account of his wife as his dependent since she was paid travel and transportation
expenses to her home of record in connection with her separation from active service in the Air Force. However, he may be paid a dislocation allowance at the with-dependent rate on account of his wife, since she is considered his dependent on the effective date of his transfer. 63 Comp. Gen. 55 (1983).

10. Travel of ex-spouse after divorce

The spouse of a service member has no travel entitlement in his or her own right. Eligibility for spousal travel is instead derived from the member's personal entitlement to dependent travel. Thus, when the marriage ends in divorce there is no further right to travel except as recognized in 52 Comp. Gen. 245 (1972), 53 Comp. Gen. 960 (1974), and 53 Comp. Gen. 1051 (1974), for the return of an ex-spouse from an overseas duty station incident to the divorce. That return travel must be reasonably related to the divorce and be accomplished within a reasonable time. 61 Comp. Gen. 62 (1981).

The permanent change-of-station transportation and storage of household goods entitlements are personal to the member of the uniformed services. Whether to release household goods in storage to a divorced ex-spouse or to use his transportation entitlement to ship household goods to his divorced spouse at an alternate location are matters primarily for the member to decide, considering any property settlement agreement or court order. 61 Comp. Gen. 180 (1981).

It is a matter for the service member to decide whether to use his transportation entitlement to ship household goods to his divorced spouse at an alternate destination. That the ex-spouse is also a service member does not change this. While each member is allowed his transportation entitlement in his own right as a member, if one member agrees to use his entitlement to supplement the other member's entitlement incident to dividing the household goods upon divorce, he may do so. 61 Comp. Gen. 180 (1981).

B. Parents

1. Member of household requirement

A dependent parent of an Army officer who did not accompany the officer to his overseas station but, upon his subsequent transfer to a duty station in the United States, traveled to the new duty station may not be regarded as a member of the officer's household actually residing at or in the
vicinity of the overseas station to entitle the officer to reimbursement for the dependent's travel. In the absence of specific authorization for the dependent parent's travel from a place other than the old station to the new station as required under paragraph 7000 of the Joint Travel Regulations (now JTR para. U5200), no reimbursement may be made. See also 39 Comp. Gen. 335 (1959); B-183542, Dec. 29, 1975.

2. Financial dependency requirement

In order to be entitled to reimbursement for the transportation of a dependent mother, incident to a change of station, member must submit evidence that the mother resides with him as a member of his household and also evidence of dependency of the mother to the same extent as required when claiming rental of subsistence allowances by reason of a dependent mother. 3 Comp. Gen. 109 (1923).

3. Transportation as related to dislocation allowance

The payment of dislocation allowance to a member without dependents, who is receiving BAQ as a member with dependents for her mother who will not join her at her new duty station where she was not assigned government quarters, depends on whether or not the mother resided with the member at the old station. If she did not, the member is entitled to a dislocation allowance in an amount equal to the applicable monthly rate. If the mother did reside with the member at the time of transfer, her entitlement to transportation for the mother precludes payment of the allowance even though the mother may not have changed her residence. 52 Comp. Gen. 405 (1973).

C. Children—Status

1. Adopted children generally

Where children are placed with a member of the uniformed services for adoption in the state of California by an agency of the state, the effective date for determining entitlement to dependency benefits is the date an order of adoption has been entered by a court of competent jurisdiction. 60 Comp. Gen. 170 (1981).
2. Adopted child not supported by member

When a Navy member adopts a near relative who remains with his or her natural parents, the member may only receive increased allowances if he can demonstrate that the adopted child is in fact dependent upon him for support. This requires clear and convincing evidence that the adoption is not merely for increased allowances, and that the member's support provides the child with the necessities of life which would be unavailable without support. B-205314, June 8, 1982.

3. Illegitimate child

Member may claim a stepchild as a dependent regardless of the fact that the child is the illegitimate child of his spouse and he is not the blood father, by virtue of fact that he has accepted full responsibility for that child by his marriage to the child's mother. B-177061, B-177129, Dec. 13, 1974.

4. Stepchildren not supported by member

A member who regularly makes substantial contributions to the support, maintenance, and education of his minor stepchild (a member of the household without independent means) may be considered to have stepchild in fact dependent upon him so as to be entitled to reimbursement for the cost of the stepchild's transportation, even though the member's wife receives contributions for support of the child from the natural father. 34 Comp. Gen. 193 (1954) and 34 Comp. Gen. 694 (1955).

5. Stepchildren—outside contributions to support

Minor stepson of a member, whose wife is receiving Social Security and VA payments as the result of the death of the child's natural father while in the Armed Forces, in an amount sufficient to cover the child's actual monthly living expenses, is not in fact dependent upon the member so as to entitle the member to reimbursement for the cost of the child's transportation incident to change of station. 34 Comp. Gen. 625 (1955). See also B-177061, Nov. 4, 1974; B-196727, May 20, 1980; and B-199433, Dec. 29, 1980.

An Army officer claimed his stepchildren as dependents for transportation allowances; however, the stepchildren received monthly income independent of the officer and the officer's contribution toward the stepchildren's support, maintenance, and education was less than 22 percent of the total costs. Under the law stepchildren are required to be
"in fact" dependent on the member to qualify for the allowances, and Army regulations require the member to show that he contributed not less than 30 percent of the costs before the stepchildren may be viewed, in fact, as dependents. Therefore, the Army's disallowance of the member's claim for the stepchildren's travel allowance is sustained. Major George J. Kaigh, Jr., B-229464, Aug. 22, 1988.

6. Minor child previously married

A member's minor daughter who, prior to obtaining an annulment of her marriage, traveled to her parent's home incident to the member's retirement orders, must be regarded as having a valid marriage status until the annulment was issued. Therefore, the daughter may not be considered as "unmarried minor child" so as to entitle the member to reimbursement for her transportation. 37 Comp. Gen. 129 (1957).

7. Child in uniformed services

The fact that the spouse of a member who was transferred is a military nurse does not deprive the member to entitlement for her transportation, since the wife traveled during a period that she was in excess leave status, a period during which she was not entitled in her own right to the basic pay and allowances prescribed for active duty. 53 Comp. Gen. 289 (1973).

8. Child a cadet or midshipman

A cadet, who is the son of a member, is entitled to transportation allowance in his own right and, therefore, such cadet may not be regarded as a dependent for travel purposes incident to a PCS of the member, when the PCS is made after the son entered the Academy. 39 Comp. Gen. 786 (1960).

9. Children born after the effective date of orders

There has been recognized only a narrow exception to the general rule that only persons who are a uniformed service member's dependents on the effective date of his change-of-station orders are entitled to transportation to the new station at government expense. This exception applies to children who are unborn on the effective date of the order where the mother's travel is delayed by service regulations prohibiting her travel due to her advanced pregnancy. Upon further consideration, and in accordance with a broader exception authorized civilian employees, no objection is raised to a proposed amendment to the uniformed services'
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regulations to include as a dependent, for transportation allowance purposes, infants born after the effective date of orders because their mother's travel was delayed for an official reason. B-222942, June 1, 1987.

10. Legal custody questions

Dependent children who are not under the legal custody and control of the member on the effective date of his PCS orders are not entitled to be transported at government expense. Where at the time of member's PCS, divorce action was pending in the courts and the children were in the legal custody of the wife under temporary court order, member is not entitled to travel expenses of his dependent children. 53 Comp. Gen. 787 (1974) and 51 Comp. Gen. 716 (1972). See also B-131421, June 3, 1957; B-186308, July 22, 1976; B-178229, Sept. 14, 1973; and B-197144, July 22, 1980.

11. Member granted retroactive temporary custody

Divorced member's former wife was given legal custody, care, and control of their children under court order. Subsequently the member took actual custody of the children and obtained court order granting him retroactive and prospective temporary legal custody, care, and control. He is entitled to reimbursement for dependent travel since his permanent duty station was changed while he had temporary legal custody. B-197384, Aug. 12, 1980.

12. Custody on date of assignment

Military member is not entitled to the transportation expenses incurred by his dependent daughter when she traveled to his permanent duty station to assume residence with him because she was not in his custody and control on the effective date of his assignment to that post. B-209105, Apr. 22, 1983.

D. Children—Age Limitations

1. Majority attained while stationed overseas

The authority in 37 U.S.C. § 406—continuing the dependency of an unmarried child of a member transported outside the United States or to Hawaii or Alaska at government expense, who attained 21 years of age while the member was serving in such place—is not limited to returning the dependent to the United States upon assignment of the member to duty in the United States. Therefore, the JTRS may be amended to expand
dependent travel entitlement to include travel between unrestricted overseas areas incident to PCS orders, or to return such dependents to the United States at government expense when the member is assigned from an unrestricted to a restricted overseas station. 45 Comp. Gen. 82 (1965). See 1 JTR para. U5215-B.

2. Majority attained in the United States

The dependent of a service member was authorized travel from Tacoma, Washington, to Maxwell Air Force Base, Alabama, in connection with the member's permanent change of station from West Germany to Maxwell. Since the dependent was already in the United States and had attained the age of 21 while in the United States, the orders may not be considered as authorizing travel as a dependent at government expense. B-212149, Dec. 16, 1983.

3. Dependent acquired overseas attaining majority while member stationed overseas

The Joint Travel Regulations may not be amended to authorize transportation at government expense for the return transportation to the United States of a uniformed service member's child acquired overseas—but not transported there at government expense—when the dependent was less than 21 years of age, who was subsequently command sponsored and then became 21 years of age before the member's next permanent change of station. 37 u.s.c. § 406(h), which authorizes return transportation of dependent children from overseas after reaching age 21, applies only to dependents transported overseas at government expense. B-199424, Oct 7, 1980.

4. 21st birthday during travel

When a dependent of a member turns 21 years of age after the date a delayed travel authorization for transportation of the dependent to the member's overseas station was issued, but before the time the dependent arrived at the port of aerial embarkation for overseas travel, the member may not be reimbursed for the transportation of the dependent to the overseas station. Entitlement is determined on the basis of the attained age of the dependent on the date of embarkation. 44 Comp. Gen. 98 (1964).
5. Children remaining overseas after reassignment

The fact that an unmarried dependent, who transferred overseas at government expense incident to the assignment of a member, remained overseas after reaching 21 (and after the member's assignment to the United States) and only returned to United States after the member's reassignment to another permanent duty station within the United States, does not defeat entitlement to dependent's transportation. Therefore, the member is entitled to the transportation of the dependent from the place at which the dependent is located overseas to the duty station at which the member is located at the time the travel is performed, not to exceed the distance from the old station overseas to the current duty station in the United States or from the last station in the United States to the current station, whichever is greater. 47 Comp. Gen. 691 (1968).

6. Student-dependents of government personnel stationed overseas—baggage shipments

A statute enacted in 1983 provides that under regulations prescribed by the Secretary of Defense, members of the uniformed services stationed overseas may be paid a "transportation allowance" for their dependent children who attend school in the United States. The legislative history reflects that Congress intended to provide service members with benefits similar to those authorized by a law enacted in 1960 to cover the "travel expenses" of the student-dependents of civilian employees stationed overseas. Regulations of the Secretary of State under the 1960 enactment properly include provision for unaccompanied personal baggage shipments, so that there is no objection to a similar provision adopted through regulation by the Secretary of Defense under the 1983 enactment, since related statutes should be construed together in a consistent manner. B-217025, Mar. 4, 1985.
Subchapter III—Reimbursements and Limitations (Dependents)

A. Denial of Travel to Dependents Otherwise Qualified

1. Dependent on active duty
   a. Cadet or midshipman

   A cadet, who is the son of a member, is entitled to transportation allowances in his own right and, therefore, such cadet may not be regarded as a dependent for travel purposes incident to a PCS of the member when the PCS is made after the son entered the Academy. 39 Comp. Gen. 786 (1960).

   b. Member on excess leave

   The fact that the spouse of a member who was transferred is a military nurse does not deprive the member to entitlement for her transportation since the wife traveled during a period when she was in excess leave status, a period during which she was not entitled in her own right to basic pay and allowances prescribed for active duty. 53 Comp. Gen. 289 (1973).

2. Dependent receiving government travel as civilian

   Civilian employee transferred at approximately same time as military member spouse is entitled to mileage plus per diem for PCS for herself and her children if her transfer in the civilian capacity is found to have been in government’s interest. Mileage allowance paid to member for travel of his dependents would consequently be for recovery, since duplicate payments of PCS entitlements may not be made for same purpose. 54 Comp. Gen. 892 (1975).

3. Transportation of dependents and household effects of court-martialed service member

   The Joint Travel Regulations may not be amended to authorize the transportation of dependents and household effects of a service member stationed in the continental United States who is confined under a
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court-martial order since there is no statutory authority for this. B-222947, Dec. 10, 1986.

4. Member entitled to military and civilian transportation

Employee who receives appointment to manpower shortage position with Nuclear Regulatory Commission contemporaneously with discharge from military service has dual entitlement to transportation of household goods. Government will bear expenses of employee’s move up to the larger of the two entitlements. See B-177743, Feb. 2, 1975; and B-173758, Oct. 8, 1971.

However, the cost factors involved in the shipment of the household goods by the Army on a government bill of lading and the cost factors which compose the commuted rate payable by civilian agencies may not be interchanged to increase or decrease an employee’s entitlement. B-196535, Apr. 22, 1980.

5. Travel by foreign vessel or airplane

Government payment for any portion of travel performed by a foreign registered vessel or airplane, if American registered vessels or certified air carriers are available by the usually traveled route, is prohibited by law and regulations. B-179445, Sept. 21, 1973; B-180946, May 15, 1975; B-150187, May 12, 1976; B-188991, July 18, 1977; B-193419, Mar. 29, 1979; B-195302, Oct. 17, 1979; B-198872, Feb. 20, 1981; B-203625, Feb. 22, 1982.

6. Transportation provided by foreign government

When a member stationed overseas travels incident to a PCS with his dependents by rov for personal convenience and at his own expense over a route for which free rail transportation by a foreign government is partially available, the member may not be paid mileage for that portion of the travel for which there is free rail transportation, even if it would have been impracticable to utilize the rail transportation. 43 Comp. Gen. 675 (1964).

7. Travel paid by employer on retirement

Member, upon retirement, traveled to his home of selection in Iran with his wife on an American flag commercial air carrier chartered and paid for by his employer, Bell Helicopter International, Inc. He is not entitled to reimbursement of air travel expenses since the travel was not performed
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at personal expense as required by applicable regulations. 55 Comp. Gen. 761 (1976).

8. No permanent residence established

a. Pleasure trip or visit

Travel expenses of dependents for pleasure trips or for purposes other than with intent to change the dependent’s residence may not be considered an obligation of the government. The act which authorized transportation of dependents of members “when ordered to make a change of permanent station” did not authorize transportation of dependents for visits or personal travel and the fact that express instructions were not issued in the JTRS did not enlarge the scope of the law or change the existing rule. 33 Comp. Gen. 431 (1954). See also B-198961, Mar. 18, 1981; B-207834, Dec. 9, 1982.

b. College students’ travel overseas for vacation period

The decision holding that a member of a uniformed service is not entitled to reimbursement for the travel of his college student-dependent from the United States to the new overseas duty station as dependent travel incident to the member’s permanent change of station when the travel is performed only for a brief visit is reaffirmed. Enactment of legislation authorizing annual round-trip transportation for student-dependents of members stationed outside the United States and the entitlements of civilian employees of the government in similar circumstances do not provide evidence that Congress intended to change the longstanding interpretation that dependent travel incident to a change of permanent station must be for the purpose of establishing a residence in order to be considered an obligation of the government. B-198961, Oct. 4, 1984.

c. Personal convenience

There is no authority for a dependent to travel at government expense to a service member’s last duty station under his permanent change-of-station orders, where the sole purpose of the member’s transfer is retirement processing and he has no intention of establishing a permanent home at or near the last duty station. A member is not entitled to have his dependents accompany him at government expense on a temporary assignment for personal convenience to a place where they do not intend to establish a permanent home. B-203527, Mar. 10, 1982.
d. To shipyard after change in home port notification

A member reported for duty aboard a vessel undergoing conversion at the New York Naval Shipyard after the date of official notification that the home port would be changed to Long Beach, California, but prior to the effective date of the change. He comes within the restrictions of the JTRS precluding the movement of dependents at government expense to the New York shipyard after official notice of the home port change. 43 Comp. Gen. 553 (1964).

9. Travel to attend school

a. Travel in advance of PCS orders

Transportation of the dependents of a member from his old station to a city other than the member’s new station for the purpose of attending college, and in anticipation of PCS by the member, but in advance of the issuance of orders, is not transportation incident to the member’s PCS and is not reimbursable. 2 Comp. Gen. 567 (1923).

b. Travel after PCS orders

A member ordered to make a permanent change of station from Nebraska to Turkey transported his two dependent sons at government expense from Nebraska to Florida to begin the fall semester at college. In December, at the end of the fall semester, they traveled from Florida to Turkey, the family’s new residence, and returned to Florida in January to begin the spring semester. The member is not entitled to reimbursement for the travel expenses they incurred in traveling from Florida to Turkey because they traveled for the purpose of a visit and not to establish their residence in Turkey. B-207834, Dec. 9, 1982. See also 53 Comp. Gen. 667 (1974).

B. Temporary Duty Involved

1. Prior to reporting to permanent station

a. Prior to reporting to first permanent station

Appropriation is available for the transportation of dependents of members only in connection with permanent movement of the member, and therefore is not available for the transportation of the dependents of a
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Reserve member to his first duty station which was a temporary one.
21 Comp. Gen. 175 (1941). See also B-197401, June 11, 1980.

b. PCS after TDY for humanitarian reasons

The transportation allowance rights of members who, after issuance of
temporary duty orders transferring the members for humanitarian or
hardship reasons to a new station, are subsequently assigned to permanent
duty at the same location as the temporary duty point or at another station
are for determination on the basis of the permanent duty orders. The
member's entitlement to transportation of dependents at government
expense is from place where the dependents are located, upon receipt of
the orders not to exceed the cost from the old to the new station, or, if the
old permanent station is outside the United States, from the appropriate
port of debarkation in the United States to the new station. 39 Comp. Gen.
188 (1959).

2. Prior to release

a. Transfer pending appellate review

A member in an eligible grade who is transferred to duty pending appellate
review of a general court-martial conviction, is not entitled to dependent's
transportation allowances, his assignment pending appellate review being

b. Transfer for separation processing

A member transferred under PCS orders from overseas to a station for
separation is not entitled to travel expenses for his dependents to the
separation station since the station at no time was the member's
permanent duty station, notwithstanding his transfer was deemed a PCS
and he was assigned to serve as executive officer. Whether a duty
assignment is permanent or temporary is determined by considering
orders, and the character, purpose, and duration of an assignment. The
member's orders evidencing detachment from overseas for separation, the
PCS orders, and interim assignment as executive officer did not change the
character of the separation transfer. 53 Comp. Gen. 33 (1973). See also
53 Comp. Gen. 105 (1973). B-192949, June 6, 1979; and B-195604, Sept. 28,
1979.
3. Away from permanent station

a. Instruction of less than 20 weeks

While a member assigned as a student to a school for 20 weeks or more is entitled to transportation of dependents to such place, a member assigned as a student to two schools or courses of instruction totaling 20 weeks or more, but less than 20 weeks at any one place, is not entitled to reimbursement for travel of wife incident to such assignments, even though his orders stated the two classes were to be considered one course of instruction. 32 Comp. Gen. 569 (1953). See also 34 Comp. Gen. 260 (1954). B-193353, Feb. 9, 1979.

b. Bona fide extension of temporary duty

Members ordered to TDY in connection with fitting out a vessel, to be followed by duty aboard the vessel when commissioned, are not entitled to payment for the travel of dependents incident to the delayed commissioning of the vessel. Although the orders did not specifically provide a period of time for the TDY, they did imply that TDY was limited to fitting out the vessel, and the bona fide extension of the TDY did not place such duty in the indeterminate status contemplated by the JTRS for entitlement to dependents' travel. The members' orders in substance being change-of-station orders to the vessel with intervening periods of temporary duty, there is no basis for reimbursement for dependents' travel. 43 Comp. Gen. 474 (1963).

c. Travel to award ceremonies

There is no authority to issue regulations authorizing travel and transportation expenses of dependents to accompany members who are receiving honor awards, nor for payment of such expenses of dependents to receive awards themselves. 55 Comp. Gen. 1332 (1976). See 1 JTR para. U7700.

4. Prior to overseas transfer

a. En route to overseas assignment

The transportation of dependents of members to the temporary duty stations overseas to which the members have been assigned incident to an ordered overseas PCS is not provided for by 37 U.S.C. § 406. Therefore, there is no authority for the promulgation of regulations to permit the travel of
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C. Alternate Origin or Destination

1. Limited to travel between old and new station

Under the law, transportation of dependents of members incident to an ordered change of station is limited to the distance from the old to the new permanent station. In the absence of specific statutory provisions, there is no authority for the promulgation of regulations which would authorize excess transportation of dependents of personnel formerly in ineligible grades or newly acquired dependents of eligible personnel based on an ordered PCS alone, whether the stations involved are overseas or in the United States. 37 Comp. Gen. 715 (1958). See also 27 Comp. Gen. 510 (1948); 26 Comp. Gen. 339 (1946); 24 Comp. Gen. 927 (1945); 4 Comp. Gen. 438 (1924); 2 Comp. Gen. 567 (1923).

2. From temporary station to new station

A member whose wife traveled at personal expense from their home to his temporary duty station where she was residing when he received orders which detached him from his old permanent station and assigned him to a new permanent station near the temporary duty location may be reimbursed for dependent’s travel not to exceed the distance from his home to the old permanent station and from the temporary duty station to the new permanent station. 34 Comp. Gen. 467 (1955). See also John L. Valentine, USMC, B-227280, Oct. 14, 1988.

D. Modes of Transportation

1. Transoceanic ferry

A member who, after receiving payment on a mileage basis for travel incident to a PCS from the United States to Newfoundland, claims reimbursement for the cost of ferry travel between Nova Scotia and Newfoundland may not have the ferry travel regarded as "transoceanic travel" in view of the specific exclusion in the definition of "transoceanic travel" of travel between the United States and the island portion of Newfoundland. Also, since the member received payment for his travel and his dependents by Poy on a mileage basis pursuant to the JTRS, which payment is a computation of all transportation expenses, including ferry fares, no additional payment for ferry costs is authorized. 41 Comp. Gen. 637 (1962). See 1 JFR for current rules.
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2. Air travel using special military leave fare

Marine Corps member and his dependent who perform at personal expense circuitous transoceanic travel by commercial airline authorized by permanent change-of-station orders is entitled to reimbursement at Military Airlift Command rates for direct travel between duty stations despite having used commercial airline's reduced military fare contrary to Department of Defense (DOD) Instruction providing that such fares may not be used by active duty members whose travel will be paid by DOD. B-198660, Aug. 19, 1980. Also compare 51 Comp. Gen. 828 (1972).

3. Mixed modes

a. Use of different mode by some dependents

Statute authorizing transportation of dependents entitles a member ordered to make a PCS to be furnished transportation for all eligible dependents. Therefore, where a member has dependents in such numbers that when traveling at the same time between the same points all cannot travel by POV and some necessarily must travel by common carrier on transportation requests, said member may be reimbursed for the dependent POV travel without reference to the common carrier transportation furnished for the remaining dependents. 33 Comp. Gen. 77 (1953).

4. Government transportation

a. Available government transportation not used

When transportation by government vessel is available but not utilized and transoceanic travel is performed at personal expense, the monetary allowance in lieu of transportation is payable from old station to port of embarkation for government vessels. Thus, where a member's dependents traveled to Canal Zone at personal expense by commercial air carrier pursuant to member's PCS from Texas to the Canal Zone and after issuance of travel authorization, monetary allowance is payable in lieu of transportation of dependents computed on distance from Texas to New York, the port of embarkation for government vessels. 37 Comp. Gen. 274 (1957).
b. To place of retirement overseas

Retired member who selected foreign city as home without requesting permission to reside in a foreign country as required by Army regulations, and who with wife traveled to such an overseas home by commercial means after personal reasons made it necessary to decline use of available government transportation, is not entitled under the JTRS to reimbursement for his traveling expenses or for the transportation of his wife. 34 Comp. Gen. 130 (1954).

c. Transportation of household goods—home of selection in the Philippines

A Navy member visited the Philippines 5 years after retirement from the Navy with the stated intention of personally residing there 3 years later, when he planned to resign from employment with the United States Postal Service in California. A few days after his arrival and receipt of his household goods shipped there at government expense, he sold his goods and he and his wife returned to their residence in the United States. The member's plans to have his wife begin residence in the Philippines did not entitle the member to have his household goods transported there as a shipment "to his home of selection" at government expense, since he did not establish a residence there. B-226430, Dec. 4, 1987.

d. Comparative cost when commercial means used

In determining the amount reimbursable to members for transoceanic travel for themselves and their dependents after the conversion of the Military Sea Transportation Service (MSTS) and the Military Air Transportation Service (MATS) to industrial fund financed activities when different charges for each service were levied, the proper measure for application is the cost of the least expensive available transportation service as between MSTS and MATS that would have met the transportation requirements of the traveler and his dependents. 41 Comp. Gen. 100 (1961).

e. Fear of air travel

Upon change of duty station from overseas to the United States, only government air transportation was available to a member whose wife was afraid to travel by air. He is authorized to travel at his own expense by commercial surface transoceanic travel to the extent it would have cost the government to provide air transportation he was entitled to under the
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The member is also entitled to a monetary allowance incident to the land travel performed by him from his overseas duty station to the point where government travel would have been available and from the aerial point of debarkation in the United States to the new duty station. 48 Comp. Gen. 409 (1968).

E. Miscellaneous Expenses

1. Tips

Under the authority in 37 U.S.C. § 406, reimbursement of the travel expenses of dependents may be based on the same elements of cost authorized for the members themselves as reimbursable travel expenses. Therefore, the JTRS may be amended to provide for reimbursement to members for the tipping expenses incurred by or for dependents aboard commercial vessels, the per diem paid to a member for his transoceanic travel covering incidental expenses such as tipping. 46 Comp. Gen. 792 (1967). See 1 JFTR para. U5212-8.

2. Animal quarantine charges

Animal quarantine fee incurred for family pet at service member's temporary duty station while en route to new duty station incident to transfer may not be reimbursed because it is not an allowable transportation or transportation-related expense. Further, the fact that the member was allowed accompanied travel with temporary duty en route does not permit payment of a fee incurred because the family pet was traveling with the family. B-205677, May 18, 1982.

3. Advance travel allowances

Advance travel allowance is limited to the personal travel of the member and nothing in the statutes or legislative history indicates it was intended to permit advance payment of the travel of member's dependents. 40 Comp. Gen. 77 (1960).
Subchapter IV—Travel
Authorization of Dependents Under Unusual Circumstances

A. Travel When Orders Are Not Issued

1. Travel in unusual or emergency circumstances

a. Transportation only authorized

Subsections (e) and (h) of section 406, Title 37, United States Code, provide for allowances payable incident to the movement of dependents under emergency or unusual circumstances. Only transportation allowances are authorized for such movements, and since no PCS is involved, there is no entitlement to other benefits that accrue upon a PCS move. 50 Comp. Gen. 83 (1970).

b. Travel to attend briefing to prepare for terrorism and political unrest

Joint Federal Travel Regulations may be amended to allow payment of travel of military dependents to attend briefings and training when the Department of Defense determines it to be necessary to prepare them for life in countries where they may be endangered by terrorism or political unrest due to the member's service in that country. Use of Invitational Travel Orders for Military Dependents to Attend Anti-Terrorism Briefings, 71 Comp. Gen. 6 (1991).

c. Denied boarding compensation—personal travel of dependents

A Marine Corps warrant officer and his dependents were involuntarily forced to relinquish their seats on an airline flight. The officer must reimburse the government for the portion of the denied boarding compensation paid to him by the airline since such payments to a member or an employee traveling on official business belong to the government. 41 Comp. Gen. 806 (1962). However, he may retain the portion of the denied boarding compensation pertaining to his dependents since their travel was of a personal nature and not official business. Warrant Officer John L. Valentine, USMC, B-227280, Oct. 14, 1988.
d. After alert for overseas transfer

An alert putting designated units on notice that a change of station to an overseas area is pending and that all preparations should be taken for the operational movement of the unit does not conform to the requirements of a competent travel order and may not be treated as a change-of-station order to relocate dependents. However, relocation may be accomplished pursuant to 37 U.S.C. § 406(e); the word “including” as used in the section does not limit the Secretaries to the enumerated unusual or emergency circumstances. Therefore, the JTRs may be amended to provide for the transportation of dependents of those members who are on duty at the places other than those specifically mentioned in the statute. 45 Comp. Gen. 208 (1965). See 1 JFTR para. U5240, for current rules.

e. After extension of short-term PCS assignment

The Joint Travel Regulations may be amended to authorize in certain unusual situations the movement of a service member's dependents and household goods to his new duty station upon the extension of his assignment although he had initially moved them to a location near his previous duty station because his new assignment was of relatively short-term duration. The type of situations contemplated include where a member attends a service-operated college for 1 year's training and he demonstrates such knowledge and ability that he is asked to join the faculty because of the needs of the service concerned. B-208861, Nov. 10, 1982. See 1 JFTR, Part C, for current rules.

f. Prolonged deployment of ships

Where members attached to ships are deployed overseas for a prolonged period of time, the maintenance of a residence at the home port or home yard no longer serves the purpose for which intended and could result in undue hardship. Therefore, continued residence may be regarded as the unusual circumstances contemplated by 37 U.S.C. § 406(e) that authorizes the transportation of dependents whether or not PCS orders are issued, and the dependency situation of the members permanently assigned to the vessel concerned is the same as the newly assigned members. 45 Comp. Gen. 159 (1965).
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g. Dependents not authorized to travel at government expense to members' short term training course

A Marine Corps warrant officer's dependents accompanied him at his personal expense to his two temporary duty stations in the United States to attend training courses prior to a second consecutive overseas tour. The course of instruction at each of the schools was less than 20 weeks' duration, and the applicable regulations exclude such entitlement under these circumstances. Therefore, he is not entitled to transportation of the dependents at government expense. Warrant Officer John L. Valentine, USMC, B-227280, Oct. 14, 1988. See 1 JFTR para. U5203-B. Also see generally, 1 JFTR para. U5218-B and 1 JFTR para. U7200.

2. Evacuation from overseas post

a. Travel delay due to unrest overseas

Where there was an ordered evacuation of dependents of members serving in Cyprus, and dependents en route to other destinations in the general area were delayed because of a suspension of commercial transportation to destinations east of Rome, Italy, evacuation allowances may not be authorized under current regulations. Nor may such regulations be amended to permit evacuation allowances for dependents en route to a station at which an evacuation of dependents is not ordered, in the absence of statutory authority. 54 Comp. Gen. 754 (1975).

3. Early return from overseas

a. Return in the national interest

A member whose dependents are returned from overseas pursuant to the JTRS relating to national interest determination prior to the termination of the member's overseas tour of duty may be regarded as having his station changed to a restricted station for entitlement to family separation allowance payments if a Secretarial or higher determination is made that the return of the dependents is for reasons of national interest. 43 Comp. Gen. 332 (1963).

b. School facilities lacking

The unavailability of high school facilities to the child of a member on a 3-year overseas tour, who was aware of the lack prior to his departure, is not the unusual or emergency circumstances contemplated by 37 U.S.C.
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c. Lack of employment for spouse

The advance return from overseas to the United States of dependents unable to locate acceptable employment overseas may be authorized at government expense when in the best interests of the individual and the United States. This authority was added by Pub. L. No. 88-431 as subsection (h) to 37 U.S.C. § 406 because section 406(e) limited advance returns to "unusual or emergency circumstances." However, 37 U.S.C. § 406(h) authority does not contemplate the advance return of dependents because they "lack suitable recreational activities" at the overseas station. Furthermore, advance returns are also authorized by the JTRS when situations embarrassing to the United States are to be avoided and in situations which have an adverse effect on a member's performance of duty. 52 Comp. Gen. 847 (1973).

d. Upon induction or enlistment of dependents

Although travel of a dependent to a member's overseas station incident to the member's PCS is not for the convenience of the government, the return of the dependent, upon passing his pre-induction tests overseas, to the place in the United States where he registered for military service may be considered an obligation of the government. Therefore, under 37 U.S.C. § 406(h), providing for the advance return of dependents to the United States, the JTRS were amended to authorize the return of a dependent from overseas to the place to which he or she was ordered to report for induction upon determination that providing transportation at government expense would be in the best interests of the government and the member or his dependent. 46 Comp. Gen. 767 (1967). See 1 JTRS para. U5240.

e. Misconduct of dependents

A member whose dependents are returned from overseas under the JTRS relating to the involvement of dependent in an incident embarrassing to the United States, prejudicial to the command, or affecting the dependent's safety may not be regarded as having his overseas station converted to a restricted station by such circumstances for entitlement to family separation allowance payments. Therefore, before payment of family separation allowance is made, there should be a certification by the officer directing the return of the dependents that the conditions necessitating
their return were not caused by their own misconduct. 43 Comp. Gen. 332 (1963).

B. Death or Missing Status

1. Member missing or dead

a. Evacuation necessary when member is missing

When it is necessary to evacuate the dependents of a member on active duty who is officially reported as dead, injured, or absent for a period of more than 29 days in a missing status, transportation may be provided for dependents, personal effects, and household effects, to the member’s official residence, to the residence of the dependents, or as otherwise provided, but no other allowances are payable incident to the evacuation. 49 Comp. Gen. 299 (1969). See 50 Comp. Gen. 83 (1970). 47 Comp. Gen. 556 (1968).

b. Upon death of member

The proposed changes in the JTRS to combine and consolidate entitlements to transportation of dependents and household effects of members in cases of death of members occurring while they are in receipt of basic pay and in cases where the members are officially reported in a casualty status under the Missing Persons Act are regarded as proper, except for the change which would authorize transportation allowances for dependents and household effects of members who die within 1 year after release from active duty. 44 Comp. Gen. 43 (1964).

C. Hospitalization and Medical Treatment

1. Member injured or ill

a. Member on active duty

Members who incur injury by any means—whether or not they are in a duty, leave, or en route status—are entitled to the transportation of dependents, household and personal effects, and one automobile pursuant to 37 U.S.C. § 554, and the JTRS may be revised accordingly. However, absent reference in 37 U.S.C. § 554 to disease or illness, the section does not apply to members who become ill or contact a disease which does not result in his death in an active status. 49 Comp. Gen. 101 (1969). Note, however, 37 U.S.C. § 554 was amended by Pub. L. No. 93-548, section 3(1)(A) by adding “ill” following “injured.”
b. Travel and transportation after hospitalization

A member whose dependents had moved at government expense "as for a PCS" incident to his assignment to a hospital for extended treatment would be entitled to the further transportation of his dependents upon his transfer from the hospital to a permanent duty station. He would also be entitled to a dislocation allowance upon the relocation of his household incident to the transfer from the hospital. 50 Comp. Gen. 473 (1971).

c. Prolonged treatment of member

A "permanent station" meaning a place where a member is assigned for duty, the definition of a permanent station in the JTRS may not be broadened to include a hospital in the United States to which a member is transferred for prolonged hospitalization from either a duty station or other hospital in the United States. Therefore, the regulations may not be amended to permit payment, when a member is so hospitalized, of the dislocation allowance provided in 37 u.s.c. § 407(a)(1) for members whose dependents make an authorized move "in connection with his change of permanent station." However, the regulations may be amended to authorize the allowance on the same basis dependents and baggage are transported to a hospital, that is, "as for a permanent change of station" upon the issuance of certificate of prolonged treatment. 48 Comp. Gen. 603 (1969). See 1 JTR para. U5222-K.

d. Expenses of civilian attendant

Upon ill military member’s arrival at medical facility, the member’s attendant traveling with him has ordinarily completed his or her assignment. The attendant is entitled to reimbursement of actual expenses for a reasonable time while awaiting report on patient and arranging for return travel, but there is no authority to reimburse the former attendant for subsistence expenses incurred while he or she remains with member for personal reasons. B-199607, Apr. 22, 1981.

2. Medical care for dependent

a. Illness and death of dependent

A member’s dependents who were authorized, incident to a minor child’s illness, to return from overseas station to a place in the United States for the dependent’s hospitalization, and who subsequently travel to the
member's home of record incident to the child’s death and burial, may not have the travel beyond the place of hospitalization designated as the ultimate destination. Therefore, the travel allowance payable to the member is limited to the cost of the dependent’s travel from the overseas station to the place of hospitalization and from there to the member’s new station under orders which authorized his reassignment to a duty station in the United States. 43 Comp. Gen. 152 (1963).

b. Patient’s travel expenses

A member stationed overseas whose wife under orders travels by POV to and from a hospital for medical treatment may not be paid a mileage allowance for the round-trip transportation, reimbursement under the law and regulations being limited to actual expenses, whether a dependent travels alone or with an attendant, absent specific authorization for commuted payments, such as mileage, monetary allowance in lieu of transportation, or per diem. A member who transports a dependent to a medical facility in his POV for which he is entitled to a travel allowance would not be entitled to an additional amount on behalf of dependent, the travel allowance being in lieu of actual expenses. 47 Comp. Gen. 743 (1968).

c. Travel as outpatient

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. B-202964, Feb. 23, 1982. See 1 JTR para U524-G3.

d. Medical examinations for passport

The fees for the medical examination of alien dependents of members in connection with obtaining visas is not a reimbursable expense, 37 U.S.C. § 406(a) and (c) authorizing only transportation of dependents at government expense. Absent express authority, the physical examination fees are considered medical and not transportation costs incurred for the
benefit of the member and his dependents and, therefore, are not proper charges against appropriated funds. The JTRS may not be amended to authorize the reimbursement of medical examination fees for alien dependents incident to securing visas. 44 Comp. Gen. 339 (1964).

e. Lodging and subsistence expenses not payable

In the absence of statutory authority, the Joint Travel Regulations may not be amended to authorize lodging and subsistence expenses of dependents of military personnel outside the United States traveling to obtain medical care since only transportation for medical care is specifically authorized for such dependents under 10 U.S.C. § 1040(a) (1976). B-194616, June 4, 1980.

f. Travel home after hospitalization

Where travel orders authorized return transportation of dependent mother to Canal Zone after medical treatment in the United States by military air or commercial air, variations of itinerary authorized as determined by competent DOD medical authorities, member may be reimbursed cost of commercial air travel for return, rather than being limited to equivalent military air cost, in view of mother’s condition, even though she traveled to an alternate destination, Medellin, Columbia. B-197475, Oct. 17, 1980.

g. Expenses of civilian attendant

(1) Orders required—Air Force member unable to accompany his dependent mother on an air flight on a return trip to his permanent duty station in Panama after she had received medical treatment in the United States hired an attendant to accompany her. Since no invitational travel orders were issued to the attendant as required by paragraph M6403, Volume 1, Joint Travel Regulations (now 1 JTR para. U7553), member may not be reimbursed for attendant’s airfare. B-197475, Oct. 17, 1980.

(2) Meals and lodging at hospital—Nongovernmental civilian attendant who escorted an ill military member from his duty station in Spain to the hospital in the United States seeks reimbursement of actual expenses for food and lodging for time she remained in the area where the member was hospitalized. Since the attendant received reimbursement of actual expenses up to the maximum in the applicable regulation, 1 JTR, para. M6151-4 (now 1 JTR para. U7152-B4), there is no basis for additional reimbursement. B-199607, Apr. 22, 1981.
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Shipment of Household Goods and Personal Effects, Mobile Homes and Vehicles

Subchapter I—
Household Goods and Personal Effects

A. Goods Included

The term “baggage and household effects” used in 37 u.s.c. § 406 to authorize transportation incident to a temporary or permanent change of station for a member and in the implementing JTRS is a term that does not lend itself to precise definition and which has been interpreted to mean in its ordinary and common usage as referring to particular kinds of personal property associated with the home and person may not be redefined to include all personal property associated with the home and person which will be accepted by a carrier. 52 Comp. Gen. 479 (1973).

B. Exclusions

1. Boats and components

The definition of the term “household goods” contained in the JTRS promulgated under the authority of 37 u.s.c. § 406(b) may not be revised to enlarge the term to include boat components such as outboard motors, seat cushions, life jackets, and other boat gear, as acceptable items for shipment as household goods. Notwithstanding the lack of preciseness of the term “household goods,” the term in its ordinary and usual usage is generally understood as referring to furniture and furnishings or equipment—articles of a permanent nature—used in and about a place of residence for the comfort and accommodation of the members of a family, and the term is not viewed as encompassing such items as boats, airplanes, and house trailers. 53 Comp. Gen. 159 (1973). However, see next paragraph.

2. Small boats

The definition of the term “household goods” contained in the Joint Federal Travel Regulations promulgated under the authority in 37 u.s.c. § 406(b) may be revised to include small boats and canoes so such articles may be moved at government expense as part of uniformed service members’ household goods shipments. Upon such revision, 53 Comp. Gen. 157 (1973) would be superseded. 67 Comp. Gen. 230 (1988). See 1 JFTR para. U5310-F.
Due to a change in travel regulations, which neither the Air Force nor the member were aware of when he made change-of-station move, which made boat shipment reimbursable as household goods, the member did not obtain prior authorization under the Do-It-Yourself (DITY) program. Under AFR 75-25 para 11-3(b), such authorization is required before incentive payments under the DITY program are payable and therefore claim is denied. Actual expenses may be reimbursed under DITY program where prior authorization is not obtained. GAO will not object to payment of actual expenses if claimant can reconstruct them to the satisfaction of the Air Force. Major Courtney L. Jordan, Jr., USAF, B-243745, Nov. 6, 1991.

3. Animals

Animal quarantine fee incurred for family pet at service member's temporary duty station while en route to new duty station incident to transfer may not be reimbursed because the relocation of animals is not an allowable transportation-related expense. Further, the fact that the member was allowed accompanied travel with temporary duty en route does not permit payment of a fee incurred because the family pet was traveling with the family. B-205677, May 18, 1982. See also 27 Comp. Gen. 760 (1948); and B-175383, Aug. 7, 1972.

The statute providing for the transportation, within prescribed weight limitations, of the "baggage and household effects" of transferred service members applies only to inanimate objects that can be packed, stored, and shipped by commercial carrier at standard costs computed on the basis of weight. Hence, the statute does not authorize the transportation of live animals, including household pets, since the transportation of live animals involves special handling and extraordinary costs that cannot be calculated on the basis of weight, and animals are fundamentally unlike the inanimate household furnishings and personal effects acceptable for shipment by commercial movers. 65 Comp. Gen. 122 (1985).

4. Radio equipment

A member shipped a large amount of radio equipment with his household goods. Although members are entitled to ship Military Affiliated Radio System equipment as professional equipment without charge to their authorized weight allowances, the Navy classified only 4,000 pounds of his equipment as professional. In the absence of clear error, we will not question the Navy's determination. The balance was properly added to the
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weight of his household goods, which then exceeded his weight
allowance. He is liable for the costs of shipping the excess weight.
Lieutenant Joseph S. Nickerson, USN (Retired), B-243436.2, May 18, 1992.

5. Personal baggage

An Army officer transported some household goods in his automobile by
ferry across the English Channel returning from Germany to the United
States rather than having them shipped by the government with the rest of
his household goods. His claim for reimbursement for the ferry charge on
the basis that it was incurred primarily to get his household goods across
the Channel is not allowed. He chose to drive his automobile via that route
and take the goods with him as baggage for his personal convenience. The
ferry charge was based on a per-vehicle rate including passengers, and
baggage carried free for which the regulations provide no transportation
entitlements. The reimbursement he received for his personal travel is all
that he was entitled to. B-202050, Oct. 9, 1981.

6. After acquired goods—replacement items

The prohibition in the JTRS that household goods acquired by a member
after the effective date of PCS orders may not be transported at government
expense, except household goods purchased in the United States when
shipped to an overseas station may be waived for equipment serviceable
on the effective date of orders and replaced because of breaking down,
wearing out, or otherwise becoming useless after such date and before the
date the goods are turned over to the transportation officer or carrier for
shipment. The JTRS may be amended to authorize shipment, within
authorized weight allowances, of bona fide replacements of articles in the
possession of a member on the effective date of his orders. The exception
may not be extended to retirement or separation from the service cases,
the authority of 37 U.S.C. § 406(b) and (e), based on the concept of a change
of station allowance, not covering items acquired up to a year later that do
not relate to the member's service. 43 Comp. Gen. 514 (1964).

7. Lost shipment—replacement of effects

Where a service member's household goods are lost at sea during
government-procured transportation to Iceland incident to a permanent
change of station, the transportation of replacement items, within the
member's authorized weight allowance applicable when the travel orders
became effective, may be made at government expense, even though the
items were acquired after the effective date of orders. Our holding in 50 Comp. Gen. 556 (1971) will no longer be followed. The Joint Federal Travel Regulations may be amended to authorize the transportation of replacement items under such circumstances. Staff Sergeant Mitchel G. Brannon, USAF, B-229189, Dec. 9, 1988.

8. Before gaining status as member

Member of the Navy Medical Service Corps requests reimbursement of expenses for packing and storing his household goods which he incurred prior to acceptance of his commission and receipt of official orders. Since the applicable statutes and regulations restrict such allowances to “member” of the armed services, the claim must be denied. B-208156, Dec. 30, 1982.

C. Weight Limitations

1. Weight determination primarily administrative matter

The question whether and to what extent authorized weights have been exceeded in the shipment of household effects by members of the uniformed services is considered to be a matter primarily for administrative determination and ordinarily will not be questioned in the absence of evidence showing it to be clearly in error. B-196994, May 9, 1980. See also B-198264, May 6, 1980; B-197984, Apr. 3, 1980; B-197948, Dec. 29, 1980; B-206951, July 12, 1982; and B-220877, June 25, 1986.

The General Accounting Office will not disturb the agency’s determination of the net weight of a service member’s household goods shipment in the absence of clear error or fraud. Where the cumulative effect of circumstantial evidence is insufficient to establish clear error or fraud, the claimant has not met his burden of proof so as to have his claim for excess weight charges collected from him allowed. B-213543, Dec. 7, 1983.

2. Interpretation of regulation

An Air Force procedural regulation interpreting the formula for determining overweight costs shown in Volume 1 of the Joint Travel Regulations which would require the service member to pay the cost of lots of household goods shipped after his full weight allowance had been shipped should not be applied if disadvantageous to the member because the applicable Joint Travel Regulations may more readily be interpreted as
requiring the overcharge to be calculated on the basis of the aggregate net weight and cost of all lots of the shipment. B-214373, Jan. 3, 1985.

3. Rebuttal of weight certificates

A weight certificate and weight tickets, which were regular on their face, produced by a certified weighmaster to determine the weight of a household goods shipment and which indicated that the shipment's weight greatly exceeded the authorized shipping weight, can be rebutted. An Air Force member who produced substantial evidence including professional weight estimates made by Air Force employees showed that mover's weight certificate and tickets were clearly in error and invalid. B-206951, July 12, 1982. Compare B-207806, Aug. 24, 1982.

The carrier's mere opportunity to fraudulently increase the weight of a household goods shipment and the carrier's suspension from traffic for reasons of poor service do not constitute sufficient evidence to establish that the weight the carrier charged for on a particular shipment was erroneous or fraudulent when that weight is based on the required weight tickets. B-213543, Dec. 7, 1983.

4. Weight of subsequent move not acceptable

Rebuttal evidence of the weight of household effects shipped in a subsequent permanent change-of-station (PCS) move is not sufficient to show that the properly determined weight of household effects shipped in a previous PCS move was incorrect. B-198264, May 6, 1980. See also B-194315, Oct. 24, 1979; B-207806, Aug. 24, 1982.

5. Weight certificates show more than estimate

Although an estimate of the weight of a service member's household goods was over 4,000 pounds lower than the actual weight as shown on weight certificates, since the service member has not produced evidence to show the weight certificates to be clearly in error, he must bear the cost of the overweight, even though by error the Air Force did not reweigh all lots of the service member's shipment at destination. B-214373, Jan. 3, 1985.

6. Adjustment of weight of household goods by service

A service member questions the Air Force's adjustment to the weight of his household goods because of excess water in certain items of the
overseas shipment. Since the service member has presented nothing indicating specifically what the adjustment should have been, the adjustment, which was not unreasonable, and the weight of household goods so adjusted must be relied on in determining the excess weight of the household goods shipped by the service member. B-214373, Jan. 3, 1985.

7. Weight of household goods when placed in nontemporary storage not determinative

Evidence of the weight of household effects when placed in nontemporary storage is not determinative of the weight of the goods when taken out of storage. A higher weight upon being taken out of storage and transported to the new duty station may be due to several factors including use of different scales, use of storage materials which are not removed before shipping, moisture absorption while in storage, and heavier containers and packing cases for a transcontinental shipment. The certified weight obtained in connection with the transportation of the goods, not the weight previously obtained for storage purposes, is the controlling weight. B-222382, July 10, 1987; B-220877, June 25, 1986.

8. Additional weight for professional goods

A military member who is authorized to ship professional books, papers, and equipment along with household goods may receive credit for the weight of such items. The administrative determination of the weight of professional materials, based on the shipper's inventory, will be accepted where the member, who claims allowance for additional weight, has presented no clear evidence showing it to be incorrect. B-195606, Mar. 5, 1980. See also B-196994, May 9, 1980.

9. Additional weight for necessary furnishings acquired overseas

Two letters issued by an Army officer's headquarters indicated that household goods acquired overseas through marriage "can qualify" for an additional weight allowance authorized for furnishings acquired when those normally provided by the government are unavailable. The officer questions the Army's denial of the additional allowance in shipping his household goods. The Army did not interpret the letter as requiring that the additional allowance be granted and they were not the statutory regulations establishing the weight allowances. We do not view those letters as binding on the Army and find that Army considered the
member's request under appropriate regulations and did not abuse its discretion in denying the request. B-204679, Aug. 21, 1982.

10. Effect of promotion

The right to transportation of household effects accrues on the effective date of the orders to make a PCS. The allowance to be shipped at public expense is that established for the rank held on such date, and a promotion in rank while household goods are en route between the old and new permanent stations does not increase the weight to be shipped at public expense. 8 Comp. Gen. 528 (1929).

11. Shipment before promotion

The transportation of a member's household effects by government bill of lading on PCS is a service in kind. His promotion after the transportation was accomplished did not authorize an increase in the weight allowance to be shipped at public expense, notwithstanding the promotion to a higher rank was effective prior to the date on which the change-of-station order was required to be obeyed and the member could have delayed the shipment until a date subsequent to the effective date, and date of acceptance, of the promotion. 16 Comp. Gen. 68 (1936).

D. Liability for Excess Weight

1. PCS orders rescinded

A member whose change-of-station orders are rescinded subsequent to the shipment of his household goods in excess of his weight allowance, and his reassignment necessitated the reshipment of the goods notwithstanding the government's action was beyond his control is nevertheless liable for the additional cost incurred for the shipment of the excess weight over the circuitous route. The authority in 37 U.S.C. § 406a to reimburse a member for the expenses incurred prior to the effective date of PCS orders that are later canceled, revoked, or modified is limited to the travel and transportation expenses prescribed in 37 U.S.C. §§ 404, 406, and 409. Therefore, the member may not be relieved of the liability, imposed in the JTRs to pay the cost of shipping the excess weight over the circuitous route. 49 Comp. Gen. 225 (1969).
2. Erroneous advice as to entitlement

Army member, pursuant to permanent change-of-station orders, shipped household goods and unaccompanied baggage in excess of his prescribed administrative weight allowance. Under paragraph M8007-2, 1 JTR, (now 1 JFTR para. U5340) the member is liable for all costs attributable to shipping the excess weight. The fact that the member may have received erroneous advice concerning his transportation entitlements does not serve to relieve him of his liability since the government is not bound by incorrect statements of its agency and employees. B-197948, Dec. 29, 1980.

An officer of the Public Health Service selected a motor common carrier to transport his household goods. The officer alleges that the carrier represented that the shipment's weight would not exceed the officer's authorized weight allowance of 13,500 pounds and that a Guaranteed Price Pledge based on the weight was quoted. The shipment's actual net weight, however, as determined from certified weight tickets, was 21,060 pounds. After adjustments for crating and professional books, the certifying officer determined that the officer was liable for 4,454 pounds of excess weight. Where facts show that the Guaranteed Price Pledge was based on tender rates applied to a prudent estimate of the shipment's actual net weight, the determination of excess weight charges is proper. The officer's reliance on the carrier's erroneous low weight estimate does not provide a basis for relief from liability for excess weight charges since the government's legal obligation is to pay the charges for transporting only the officer's authorized weight allowance. Dr. John M. Dyer, 67 Comp. Gen. 171 (1988). Affirmed, B-223799.2, May 13, 1991.

The wife of a transferred Marine Corps sergeant acting on his behalf received erroneous advice from the transportation management office that his maximum weight of household goods allowed to be shipped pursuant to permanent change of station had been increased, and she received written documentation confirming the erroneous advice. Relying on this erroneous authorization, she shipped household effects that were 6,211 pounds in excess of the authorized weight allowance and incurred a debt of $5,022.53. Since the member's debt resulted from the erroneous authorization, the debt is considered to have arisen out of an erroneous payment and is subject to consideration under the waiver statute. The debt otherwise qualifies for waiver and, therefore, is waived. Gunnery Sergeant Robert S. Jackowski, USMC, B-229335, Oct. 21, 1988.
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3. Excess baggage shipped by mistake

Army member whose household good shipment exceeded her weight allowance seeks reimbursement for the excess weight charge on the grounds that the movers arrived 2 days earlier than expected and packed goods which were not to be shipped because she was unable, for reasons beyond her control, to supervise the packing. The claim is denied since there is no authority for the government to pay a member’s transportation costs in excess of those authorized by statutory regulations. B-199111, Mar. 17, 1981.

4. Member does own packing

The cost of the excess weight was charged to an officer of the uniformed services incident to the shipment of household effects and books partially packed by him—the carrier packing the remainder of the shipment not including a charge for the items packed by the officer. The charge may not be recomputed by prorating the carrier’s packing cost on the excess weight reduced by the constructive weight of the items packed by the officer rather than prorating the packing cost against the total excess weight, the officer having been permitted for his convenience to ship effects in excess of authorized weight allowances upon agreement to pay the additional cost. He received a benefit for his packing service in the reduction of the overall costs on which his pro rata share is based, and the officer is chargeable for excess costs prorated on the basis the excess net weight bears to the total net weight, and computed on all costs of transportation. 44 Comp. Gen. 652 (1965). See also B-203036(1), Feb. 9, 1982.

5. Member claims carrier used excessive packing material

An Army officer notified the transportation officer at his old duty station that the carrier selected to move his household goods was using excessive packing materials to prepare the shipment for transportation. The transportation officer indicated that the shipment would be inspected at destination to determine whether his overpacking allegation was valid. However, the personnel were not available to inspect the shipment upon arrival at the destination. The Army, after deducting 10 percent from the net weight, as authorized by regulation, determined that the member was liable for excess weight and recovered the excess charges. A member’s opinion of overpacking based primarily on a comparison with previous moves is insufficient evidence to show that packing was unreasonable and accounted for excess weight when packing and charges therefore did not exceed established standards of carrier performance. In the absence of
authority to waive liability for excess weight charges, the Claims Group's
disallowance of the member's claim is sustained. B-220751, Jan. 28, 1986.

6. 10 percent packing allowance

Air Force regulation 75-25, establishing a 10 percent packing allowance for
household goods shipped by the direct procurement method, is valid even
even though subparagraph M8002-3a, 1 JTR, (now 1 JFTR para. U5335) prescribes
a 20 percent packing allowance for household goods shipped by container.
The 20 percent packing allowance applies when the weight of empty
shipping boxes excludes packing materials. It does not apply when the
weight of the shipping boxes or transporters include the weight of
materials necessary for preparing the goods for shipment. In that case the
10 percent allowance prescribed by the Air Force is appropriate. The
10 percent allowance is applicable in the present case because, in the
absence of proof to the contrary, it is assumed that the tare weight
prescribed by regulation to include packing materials was used. B-210659,

7. Line-haul shipment vs. shipment in storage

The longstanding practice of the government to accept the lesser weight
when the same household goods are reweighed does not apply separately
to a shipment in storage and to a line-haul shipment so as to relieve the
member of his liability for excess weight. The rule applies only to the
line-haul shipment, which was not reweighed. 49 C.F.R. § 1056.7 (1985).

8. Goods not reweighed

An Air Force member's claimed refund of shipping charges collected from
him for the excess weight of his household goods on the basis that the
administrative regulations directing that his household goods be
reweighed were not followed. His claim may not be allowed in the absence
of some other evidence that the weight was in error since such regulations
are procedural in nature and do not apply to administration or
interpretation of entitlements. Since the weight of the household goods
was established at origin by the certificate of a public weighmaster and
since no error in such weight is alleged or shown, that weight must be
used in determining the member's liability. B-190687, Mar. 22, 1978. See
also, B-194733, Mar. 10, 1980; B-189888, Mar. 22, 1978; B-194961, July 23,
1979; and B-192618, Nov. 9, 1978.
Navy's assessment of excess weight charges based on weight tickets issued by a certified weighmaster is a valid basis for computing net weight of a member's household goods. That assessment cannot be changed based on the member's allegations that the scales were operated by the carrier's parent company; the driver refused to reweigh tare weight on independent scales; the carrier, subsequent to the move, was suspended from military traffic; and illegally increasing weight has been practiced by some in the moving industry. B-213543, Dec. 7, 1983.

Service member claims refund on the shipping charges collected from him for the excess weight of his household goods on the basis that the administrative regulations directing that his household goods be reweighed were not followed. His claim may not be allowed in the absence of some other evidence that the weight of the goods was in error since regulations requiring reweigh are procedural in nature and do not govern entitlements. Since the weight of the household goods was established at origin and since no error in such weight is alleged or shown, that weight must be used in determining the member's liability. B-207950, Feb. 8, 1983.

9. No advance notice of excess weight

A service member is charged the cost of shipping household goods in excess of his weight allowance, but asserts that because the transportation officer failed to notify him of excess weight in accordance with Army regulations, he should not be charged for the costs. The regulations authorized by 37 U.S.C. § 405 providing entitlement to transportation of household goods are contained in Volume 1, Joint Travel Regulations (1 JTR), not the Army regulations. Para. M8007-2, 1 JTR, (now 1 JFTR para. U5340) provides that cost of shipping household goods in excess of authorized weight will be borne by the member. Failure of a transportation officer to notify member of excess weight is not a criterion for exempting a member from paying these costs. B-199109, Aug. 15, 1980. See also B-195606, Mar. 5, 1980.

E. Orders Requirements

1. No orders issued

An Air Force member who was required to vacate family type government quarters because his dependent departed the quarters permanently to accept employment some distance away is not entitled to be reimbursed moving expenses he incurred when he personally moved his household goods to the place where his dependent was working. In the absence of
permanent change of station or retirement orders, the member could only be reimbursed expenses if the move was ordered due to some unusual situation related to military necessity. B-208815, Jan. 10, 1983.

Circumstances where members' permanent change-of-station orders are not timely issued when a ship is scheduled to overhaul because of delay in determining the overhaul port due to government contract bidding requirements may be considered unusual circumstances incident to military operations. Therefore, regulations may be amended to authorize transportation of household effects in such cases upon a statement of intent to change a ship's home port, but prior to issuance of orders. 59 Comp. Gen. 509 (1980). See 1 JTR para. U5330-G2.

2. Shipment prior to orders
   a. Military necessity

Although household effects of members may be moved at government expense within prescribed weight allowances under the authority of 37 U.S.C. § 406(b) incident to a PCS, the JTRS preclude shipment at government expense when shipment occurs prior to the issuance of orders, except upon certification by proper authority that shipment was due to an emergency, exigency of the service, or required by service necessity. The authority for the transportation of dependents, baggage, and household effects between points in the United States in unusual or emergency circumstances when incident to military operations or need may not be extended to authorize transportation of belongings prior to issuance of PCS orders solely on the basis of dependent's need. 52 Comp. Gen. 769 (1973).

b. Evidence of shipment

A former Navy member who claims reimbursement for shipping his household effects and supports his claim with receipts indicating that the shipment was made 11 months prior to the issuance of permanent change-of-station orders may not be reimbursed since generally shipment of household effects prior to orders is not authorized. His statement that the shipment was made after his orders were issued, not on the date of the receipts, is insufficiently supported to overcome the strong presumption that the shipment was made about the time of the receipt of dates. B-194566, June 13, 1979.
c. Personal reason

Military member is not entitled to transportation of household goods in advance of orders, since shipment without orders was for personal, not military, reason. Military member indicated he was informed that he had 72 hours to clear post and that in 48 hours orders would be issued, but he shipped goods without waiting for orders. Further, orders were not immediately forthcoming because of member's actions delaying separation from active duty until a medical determination could be made in his case. B-197522, Nov. 24, 1980.

d. Family emergency

In a family emergency, a military member relied on a transportation agent’s approval to arrange for transportation of household goods and travel of dependents to his home of record about 1 month before he applied for retirement and 6 weeks before retirement orders were issued providing for his retirement a year later. In the absence of a military emergency or a written statement from the member’s commander advising him that orders would be issued, the transportation officer has no authority to approve personal arrangements for transportation and travel prior to issuance of orders, and regulations dealing with claims procedure provide no authority for payment. The claim for reimbursement of personally arranged, advance transportation and dependent travel costs cannot be paid. B-215000, Aug. 27, 1984.

e. Ship overhaul canceled

Where member’s permanent change-of-station orders are not timely issued when a ship is scheduled for overhaul and the regulations are amended to permit shipment of household effect before orders are issued, regulations may be further amended to authorize the return shipment of household effects if the ship overhaul is canceled. 59 Comp. Gen. 509 (1980). See 1 JFTR para. U5330-G2.

3. Return shipment of household goods when dependents do not join member overseas

Under current regulations service members who have their household goods and automobiles shipped to an overseas duty station in anticipation of the family move are not entitled to return transportation of the household goods if the family, for personal reasons, changes its plans and
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does not join the member. The applicable statute, 37 U.S.C. § 406(h), is broad enough to provide authority for regulation authorizing return transportation of household goods and privately owned vehicle independent of travel by the member or the dependents in these circumstances when the service finds that the transportation is in the best interest of the member or the dependents and the United States. To the extent they are inconsistent herewith, 49 Comp. Gen. 695 (1970) and 44 Comp. Gen. 574 (1965) are overruled. B-217447, Apr. 24, 1986.

F. No Change of Station

1. Involuntary extension of assignment

Under the statutory authority of 37 U.S.C. § 406(e), Volume 1 of the Joint Travel Regulations may be amended to allow a service member any necessary drayage and storage of household goods when he experiences an involuntary extension of assignment at a permanent duty station, and he is required for reasons beyond his control, such as the refusal of his landlord to renew a lease agreement, to change his residence on the local economy incident to that extension of his assignment. 59 Comp. Gen. 626 (1980). See 1 JFTR para. U5355-D2.

2. Private quarters declared unfit

Both military members and civilian employees at overseas permanent duty stations who are required to vacate local housing leased because no government quarters were available may be paid drayage costs to move their household goods to other housing on the local economy when the quarters they occupy are declared by medical personnel to no longer meet established health and sanitation standards on the basis military members must obey orders and civilian employees move for the convenience of the government. However, neither are entitled to drayage when the move to other nongovernment quarters results from a landlord refusing to renew a lease or otherwise permit continued occupancy as such a change of quarters is not for the convenience of the government. 52 Comp. Gen. 293 (1972).

3. Ship-to-ship PCS at same home port

A naval officer who, incident to transfer from sea duty aboard one ship to staff-based duty aboard another ship at the same home port, performs duties in the nature of shore duties and occupies government quarters ashore must, nevertheless, have the assignment viewed as a ship-to-ship
assignment at the same home port and not a PCS for entitlement to transportation of household effects and, therefore, shipment of the member's household effects from nontemporary storage to assigned quarters at government expense may not be authorized. 46 Comp. Gen. 263 (1966).

4. Move into government controlled housing

The drayage of household effects of members stationed overseas from local economy housing to former rental guarantee housing, which is also privately owned, may not be considered as incident to a directed move to government quarters nor a movement involving unusual or emergency circumstances to be authorized at government expense under 37 U.S.C. § 406 and, therefore, an amendment to the JTRS to permit drayage at government expense in such cases may not be authorized. 45 Comp. Gen. 569 (1966).

5. Shipment of personal effects—unusual circumstances

The cost of shipping the personal effects of Navy member to and from a vessel that is away from its home port and home yard, effects that normally would accompany a member on his PCS but for the circumstances of the travel, may be paid without regard to the PCS allowance for household goods, or to the fact that the cost of the shipment will exceed the cost of shipment from the old home yard or port to the new home yard or port, and the JTRS may be amended to provide, within authorized weight allowances, for the transportation of the personal effects incident to the transfer of a member to and from a permanent duty station aboard ship, the broad authority in 37 U.S.C. § 406 for transportation of baggage and household effects on a PCS covering both the movement of effects for use ashore by dependents and those personally required by the member. 45 Comp. Gen. 480 (1966).

As members of the uniformed services are assigned to an overseas restricted duty area, or to duty aboard a vessel operating in the area without a change-in-quarters assignment, the shipment and storage of clothing and personal effects, regardless of rank, which they are required to dispose of does not fall within the "unusual or emergency circumstances" provisions of 37 U.S.C. § 406(e), and the JTRS may not be amended to authorize the shipment and storage of the personal baggage of members from the overseas restricted area, points en route, or from
locations of the ship to a designated place, or nontemporary storage.  

6. Change in residence for personal convenience

Neither 37 U.S.C. § 406(e) nor any other provision of statutory law contains 
authority which would permit the amendment of Volume 1, Joint Travel 
Regulations, to allow the drayage of a service member's household goods 
to a new residence when his duty assignment at a given location is 
extended, and he then elects solely as a matter of personal preference to 
move to new living quarters. 59 Comp. Gen. 626 (1980).

G. Reimbursement for Self Moves

1. Use of commercial transportation

An Air Force sergeant who received orders reassigning him from Spain to 
North Dakota sent a copy of the orders to his wife in New Hampshire with 
directions to arrange for the temporary storage and transport of their 
household goods. An Air Force transportation officer instructed her to 
make her own arrangements and she followed those instructions. 
Reimbursement of all commercial storage costs is authorized since service 
personnel become entitled to transportation (including temporary storage) 
of household goods at government expense upon receipt of permanent 
change-of-station orders, and a member is entitled to reimbursement of all 
expenses actually incurred (rather than just constructive costs) if the 
transportation officer declines to accept responsibility for his household 

2. Advance of funds

The JTRS may not be amended to allow advance payment for rental 
vehicles for transportation of personal property, and related expenses as 
the advance payment provisions in 37 U.S.C. § 404(b) limit such payments 
to member's personal travel, and in absence of specific authority for 
advance payment for transportation of personal property, 
which would authorize such advance payments. 54 Comp. Gen. 764 (1975).

3. Personal labor nonreimbursable

Due to the birth of his third child, a member's request for assignment from 
2-bedroom to 3-bedroom government quarters was granted. Member was
informed that he did not qualify for government move, and he moved himself. Later the member is informed that he was entitled to move at government expense and he filed a claim. Member’s entitlement is governed by JTR, para M8500 (now JFTR para U5320-E) which allows member to be reimbursed actual expenses incurred. Since member indicates that his only expense was nonmonetary (i.e., personal labor expended), the claim is denied. B-195148, Mar. 7, 1980. See also B-190072, Aug. 19, 1980.

H. “Do-It-Yourself” Moves

1. Weight certificates required

The military services’ requirement that, in order to qualify for an incentive payment under the do-it-yourself household goods moving program, a member must have certified scale weight certificates establishing the weight of the goods is in accordance with the law and implementing regulations. Therefore, although the move was only a short distance, was accomplished without a motor vehicle, the use of a commercial scale was impractical and a government scale was not available, the incentive payment may not be made without the weight certificates. In the absence of a change in regulations, the weight certificate requirement will be applied since this is a matter for administrative determination. 60 Comp. Gen. 145 (1980). See also B-191016, Apr. 10, 1979, and B-201115, Feb. 27, 1981.

Three Army members moved their household goods under the do-it-yourself program and claimed to have obtained and submitted valid weight certificates which were either never received or were lost after receipt. Incentive payments under the program must be denied. Applicable regulations specifically required submission of weight certificates to establish actual weight of household goods in order to compute the costs upon which incentive is based. The record does not establish that required certificates were submitted, nor is there other clear evidence of the actual weight. B-217623; B-217946, July 31, 1985.

An Air Force member sought to move his household goods under the do-it-yourself program upon his separation from the service. Applicable regulations require that in order for an incentive payment to be made for such a move, the member must provide certified weight certificates establishing the weight of goods actually moved. Since the record does not establish that these requirements of the program were met, and it appears there were other irregularities involved in the move and the submission of the claim, the incentive payment is not payable to the former service.
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member. Actual expenses of the move may, however, be paid. B-221153, Aug. 21, 1986.

2. Failure to follow procedures

Air Force member who moved household effects under the do-it-yourself program did not follow the procedures set out in the regulations of the Air Force; particularly, he did not obtain acceptable evidence of the weight of the goods transported. In view thereof and in view of numerous irregularities in connection with the move and the submission of the claim, payment of the incentive allowance may not be allowed. B-198476, July 28, 1980. See also B-206744, May 18, 1982.

Due to a change in travel regulations—which neither the Air Force nor the member were aware of when he made change-of-station move—which made boat shipment reimbursable as household goods, the member did not obtain authorization under the Do-It-Yourself (DITY) move program prior to transporting the boat. Under AFR 75-25 para 11-3(b), such authorization is required before incentive under DITY program is payable and therefore claim is denied. Actual expenses may be reimbursed under DITY program where prior authorization is not obtained. GAO will not object to payment of actual expenses if claimant can reconstruct them to the satisfaction of the Air Force. Major Courtney L. Jordan, Jr., USAF, B-243745, Nov. 6, 1991.

3. Use of privately owned station wagon and trailer

To support a claim for a do-it-yourself household goods move incentive payment, an Air Force member presented two household goods weight certificates showing combined weight exceeding his maximum weight allowance of 8,500 pounds. One ticket for 6,700 pounds reflected weight in a truck rented by the government, and may be allowed. The other, for 4,730 pounds, reflected combined weight in a station wagon and towed trailer. Since regulations do not permit do-it-yourself reimbursement based on transportation of household goods in a station wagon, that weight could not be considered; nor could the weight in the trailer be considered since there was no certificate showing its weight separately. B-215448, Dec. 4, 1984.
4. Use of second POV

A uniformed service member's use of more than one privately owned conveyance in connection with a permanent change of station was not authorized for the purpose of transporting household goods so as to qualify for an additional mileage allowance. JTR para M7003-2 (now JFTR para U5205-A2). Major Edward J. Filiberti, B-226048, Nov. 8, 1988.

If the service determines that a member's goods he transported in a second privately owned vehicle incident to his change of station were of unusual value, such that they would have been shipped separately by the service, he may be reimbursed the actual expenses he incurred in their transportation. JTR para M8500 (now JFTR para U5320-D). Such reimbursement is limited to actual expenses incurred, such as gasoline, oil and tolls, and may not exceed what it would have cost the government to ship the goods. Major Edward J. Filiberti, B-226048, Nov. 8, 1988.

5. Use of a borrowed vehicle

Although the language of the Joint Travel Regulations appears to preclude participation in the "do-it-yourself" program by members transferring household goods via borrowed privately owned vehicle, such a conclusion would be inconsistent with the purposes of the program. Thus, we agree with PDTATAC that the term "privately owned," as found in JTR para M8400 (now JFTR para U5320-E), was used merely as a means of distinguishing the vehicle in question from rental and commercial vehicles, and does not require ownership of the vehicle by the relocating member. 59 Comp. Gen. 34 (1979).

6. No change in duty station

Properly directed moves between quarters in unusual or emergency circumstances without a change in duty station by military members under 37 U.S.C. § 406(e), are not precluded from the do-it-yourself household goods movement program authorized by section 747, Department of Defense Authorization Act, 1976. 60 Comp. Gen. 145 (1980).

7. Advance payments

Under the armed services voluntary do-it-yourself program, transferred members move their own household goods and receive an incentive payment based on 80 percent of what it would have cost the government to move them by commercial carrier. The member may receive an advance
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payment based on his estimated weight of the goods with final settlement being made based on actual weight of the goods. In some cases because of inaccuracies in the weight estimate, the member must repay part of the advance received. 67 Comp. Gen. 484 (1988).

I. Incident to Retirement

Upon retirement, a member moved to Texas and shipped household goods there. He had designated Thailand as his home of selection. He traveled there within a year of retirement but remained only a short time. He is not entitled to travel allowances to Thailand because he did not travel there with the intent of making a home there at the time of his travel. Letter to: Master Sergeant William J. Smith, USAF (Retired), B-244629, Jan. 24, 1992.

J. Nontemporary Storage

1. Assigned to isolated station in United States

Members who are assigned under PCS orders to duty on San Clemente Island and Santa Rosa Island—located 30 miles from the California coast and where dependents are not permitted to join the members—are not regarded as being assigned to duty beyond the continental United States for nontemporary storage of household effects. Rather, they are regarded as being assigned to a restricted area in the continental United States for entitlement to shipment of household effects to a designated location. 39 Comp. Gen. 540 (1960).

2. Assignment requiring some offshore duty

Members who are assigned under PCS orders to duty at the Texas Towers and who are rotated at 30-day intervals between their restricted station offshore and the location of the parent organization at Otis Air Force Base—which is not a restricted station for transportation of dependents—may not have the duty at the Texas Towers considered sea duty or overseas duty or duty to a place in the United States where, due to military restrictions, dependents are not permitted to join the member for 20 weeks for entitlement to nontemporary storage or shipment of household effects to a designated place at government expense. 39 Comp. Gen. 540 (1960).

3. During extended temporary duty

Regulations authorizing nontemporary storage of household effects of members ordered to temporary duty for periods in excess of 6 months,
when such nontemporary storage is not in connection with any PCS or predicated on a particular government need or the assignment or termination of quarters, are regulations without legal effect. Therefore, payments made for such nontemporary storage in addition to the per diem and other travel and transportation allowances for temporary duty are not proper, and any storage charges incurred may not be paid. 45 Comp. Gen. 350 (1965).

4. During temporary duty pending transfer to Fleet Reserve

A Navy member stationed in Puerto Rico and entitled to home of selection transportation of household goods was detached from Puerto Rico and sent on temporary duty to Naval Training Center, Orlando, Florida, pending transfer to the Fleet Reserve. His household goods were shipped to nontemporary storage in Jacksonville, Florida, incident to his transfer to Orlando. Within 1 year after transfer to Fleet Reserve, member chose Puerto Rico as home of selection and had goods timely shipped from nontemporary storage to that location. Under Volume 1, Joint Travel Regulations, the costs of movement and storage of goods within member's authorized weight allowance until arrival at home of selection are to be borne by the government. B-198036, Jan. 6, 1981.

5. Tours of duty overseas extended

The involuntary extension of an overseas tour of duty being marked departure from the usual practice of rotating members from overseas to the United States, the extension may be viewed as the unusual or emergency circumstances contemplated by 37 U.S.C. § 406(e), which authorizes the movement of dependents and household goods without regard to the issuance of orders directing a change of station. Therefore, the JTRS may be amended to authorize reimbursement to members who are unable to renew their leases for local economy housing for the extended tour of duty and who incur the expense of drayage to storage, and drayage from nontemporary storage to local economy quarters. 51 Comp. Gen. 17 (1971).

6. Extension of storage—missing persons

The requirement in the JTRS that the Secretary concerned or his designee at the termination of each year a member is in a missing status must determine the need for and authorize an extension of the nontemporary storage of the household and personal effects of the member provided
under the regulations is in accord with the language of 37 U.S.C. § 554(b) and its legislative history. Therefore, the regulations may not be amended to delete the yearly approval requirement to provide for the continuation of nontemporary storage so long as a member is in a missing status. 51 Comp. Gen. 392 (1972).

7. Storage in private facilities

Where nontemporary storage of member's household goods otherwise is proper, reimbursement is not authorized for storage in member's apartment as the JTRS in accord with 37 U.S.C. § 406(d) authorize such storage only at government or commercial facilities. 54 Comp. Gen. 387 (1974).

8. Replacement of items

When household effects placed in temporary storage at government expense incident to a PCS of a member are totally destroyed by fire, nontemporary storage charges to the extent they would have been authorized for the destroyed goods may not be paid on replacement items, the member upon packing the original effects in nontemporary storage having exhausted his shipping weight allowance. 37 U.S.C. § 406(a), which authorizes nontemporary storage in lieu of the shipment of household effects not needed at a new station, contemplates that nontemporary storage rights will not exceed shipping entitlement. Therefore, the member may not be furnished nontemporary storage at government expense for the additional weight of the subsequently acquired replacement household goods not immediately needed at his new station, even though acquired to replace weight destroyed while in nontemporary storage. 44 Comp. Gen. 290 (1964).

9. Removal from storage prior to orders

The removal of household goods from nontemporary storage prior to the issuance of new PCS orders for delivery to the same local area from which the household goods were placed in storage may be authorized as an alternative to continued storage when changed circumstances necessitate that dependents return to or remain at or in the vicinity of the old station after placement of the effects in storage, and the Joint Travel Regulations may be amended accordingly. 45 Comp. Gen. 771 (1966).
10. Removal from storage after divorce

Nontemporary storage at government expense of a service member’s household goods should be terminated as soon as practicable after a state court awards the stored property to the member’s ex-spouse and the member declines to use his transportation allowance to ship the goods to his divorced spouse. However, the goods may be retained in storage for a reasonable time, not to exceed the member’s entitlement period, while the ex-spouse arranges for the disposition of the goods. 61 Comp. Gen. 180 (1981).

K. Temporary Storage

1. Not authorized in excess of 180 days

Air Force member is not entitled to reimbursement for excess costs of the temporary storage of his household goods beyond 180-day limitation contained in JTRS notwithstanding the “deferral” of his departure date from the old station, since his permanent change-of-station orders were not modified, and he received an initial 90 days plus 90 days’ additional temporary storage which is all that is authorized. B-192057, Aug. 30, 1978.

2. Need for administrative approval at destination

A Navy member entitled to home of selection transportation of household goods following transfer to Fleet Reserve, has goods timely shipped from nontemporary storage to home of selection location, but was denied temporary storage at that latter location by the receiving transportation officer. Member claims right to temporary storage of goods at home of selection at government expense. Para. M8260-3 of Volume 1, Joint Travel Regulations (now 1 JTR para. U5345-H3), authorizes temporary storage at destination only when all three conditions stated therein are fulfilled, one of which requires approval by receiving transportation officer. In absence of such approval, no legal basis exists to reimburse member any portion of cost for that temporary storage. B-198936, Jan. 6, 1981.

3. No entitlement in connection with intracity drayage

An Army officer transferred on permanent change-of-station orders from San Francisco, California, to Fort McPherson, Georgia, authorized his household goods to be placed in temporary storage by his wife. The goods were stored in Oakland, California, for 4 months and then, on instructions from the member and his wife, delivered to an address in San Francisco. Member is liable for the temporary storage charges since the intracity
drayage may not be considered shipment and temporary storage in connection with intracity drayage is not authorized. B-199110, Mar. 30, 1981.

4. Misshipment after expiration of entitlement

Member who was released from active duty placed his household goods in storage in Pensacola, Florida. After expiration of 180-day period for government paid temporary storage, he requested shipment of household goods to his home in Sherman, Connecticut. Due to Navy error, carrier did not have street address and map to find member’s home, so household goods were placed in storage in Brookfield, Connecticut. Member may be reimbursed storage and transportation costs incurred in reshipment from Brookfield to his home in Sherman since paragraph M8012 of Volume 1 of the Joint Travel Regulations (now JFTR para. U5330-D) allows service to forward improperly shipped goods at government expense. B-204621, Dec. 22, 1981.

5. Additional expenses—storage in carrier’s van

A service member who objects to the storing of his household goods in a DoD-approved warehouse at destination until his quarters are ready for occupancy, knowing that they are stored on the vans that transported them, is liable for any additional costs incurred by the government due to the detention of the carrier’s vans. The Joint Federal Travel Regulations provide that the member must bear the cost of transportation in excess of the lowest overall cost to the government without special services, and members certify that they will pay for such additional services, like van detention, when they apply for moving entitlements. Colonel Steven K. Ladd, B-245112, B-245112.2, Mar. 30, 1992.
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Subchapter II—Mobile Homes and Privately Owned Vehicles

A. Mobile Homes (House Trailers)

1. Status as mobile home

a. Railroad car

A Pullman rail car converted and used as a residence by a member qualifies as a mobile dwelling. Therefore, the member is entitled to the trailer allowance prescribed by 37 U.S.C. § 409, which contemplates payment on a mileage basis for overland travel, since there is no indication in section 409 that the allowance is not applicable to a privately owned Pullman car transported overland by rail, and subject to tariff charges, as well as to highway movements. 51 Comp. Gen. 806 (1972).

b. Houseboat

Transferred member of the Air Force may be reimbursed the cost of transporting the houseboat he uses as his dwelling under 37 U.S.C. § 409, which permits the transportation at government expense of a mobile home dwelling, because it is determined that a boat may qualify as a “mobile home dwelling” under the law. 48 Comp. Gen. 147 (1968) is overruled and regulations issued to implement that decision need not be applied so as to exclude payment for transporting boats which are used as residences. 62 Comp. Gen. 292 (1983).

2. Election of mobile home transportation

a. Delivery impossible due to breakdown

When a member elects the trailer allowance authorized by 37 U.S.C. § 409 in lieu of household effects shipment and dislocation allowance, and delivery of the trailer is precluded by breakdown or damage en route in circumstances beyond the control of the member, his entitlement to reimbursement on a trailer allowance basis continues even though the household effects are shipped to the new station. The total cost of such shipment may not exceed the trailer allowance payable had the trailer...
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reached destination. Where the trailer is shipped under a government bill of lading, household effects reimbursement is limited to the amount of the trailer allowance to destination, less the cost to the government to haul the trailer to the breakdown point. A trailer allowance, in effect, having been paid, no dislocation allowance is authorized. 44 Comp. Gen. 809 (1965).

b. Change of orders after goods shipped

The election by a member to move his household goods rather than his house trailer from his home of record to Columbus, Georgia, where he had rented an apartment, because he anticipated duty in Vietnam may not be revoked when the overseas orders were canceled, and the member paid the trailer allowance authorized in 37 U.S.C. § 409 in lieu of a dislocation allowance and shipment of baggage and household goods. Unless erroneously informed of benefits an election is irrevocable, for an additional election or reelection may not be authorized, and finality in the settlement of claims is essential. Since the member was aware of the amounts payable whatever his election and he chose to move his household goods as the most beneficial arrangement for him, he is not entitled to an adjustment of cost. 51 Comp. Gen. 509 (1972).

3. Missing persons

The wife of a member missing in action moved her household effects in her mobile home and was denied reimbursement for the expenses incurred in the movement of the trailer, as 37 U.S.C. § 554 in providing for the travel and transportation of dependents and household and personal effects of members in a missing status does not specifically include a house trailer. Nevertheless, she may be reimbursed the expense of the trailer movement since the amount involved is less than it would cost the government to comply with the provision in the Joint Travel Regulations authorizing the shipment of household goods when a member is in a missing status for more than 29 days, either to his official home of record or the residence of his next of kin. 51 Comp. Gen. 763 (1972).

The proposed changes in the JTRS to combine and consolidate entitlements to transportation of dependents and household effects of members in cases of death of members occurring while they are in receipt of basic pay and in cases where the members are officially reported in a casualty status under the Missing Persons Act are regarded as proper, except for the change which would authorize transportation allowances for dependents
and household effects of members who die within 1 year after release from active duty. 44 Comp. Gen. 43 (1964).

4. Relocation at permanent station
   a. Trailer court declared off limits

   The costs incurred by a member incident to the movement of his house trailer without a PCS from a trailer court declared "off-limits" by the base commander in order to protect the health and welfare of Armed Forces personnel living in the trailer court may be reimbursed to the member, even though there was no change in the member's assignment to create entitlement to the trailer allowance prescribed by 37 U.S.C. § 409. The cost resulted from the base commander's exercise of his authority pursuant to regulation, in connection with the proper administration of the base. Accordingly, the reimbursement to the member is treated as an operational expense chargeable to the appropriation for Operation and Maintenance. 52 Comp. Gen. 69 (1972).

   b. Payment of telephone charges

   Member who incurs telephone relocation charges in connection with an ordered move from quarters is entitled to reimbursement for such expenses. The prohibition contained in 31 U.S.C. § 679 (1970) against the use of appropriated money for telephone service installed in any private residence or private apartment was not meant to preclude the reimbursement of telephone reconnection charges caused by government action over which the member had no control. 56 Comp. Gen. 767 (1977). This decision overruled 55 Comp. Gen. 932 (1976) and 54 Comp. Gen. 661 (1975).

   c. Telephone charges—retroactive effect

   A member's contention that the holding in 56 Comp. Gen. 767 (1977) concerning reimbursement of telephone installation charges should be applied retroactively is rejected since that decision was a changed interpretation of 31 U.S.C. § 679 (1970) (now 31 U.S.C. § 1348), which overruled or modified previous decisions and, therefore, is to be given prospective application only. Accordingly, a claim which arose before date of that decision may not be considered under the new rule announced therein. B-190389, Jan. 3, 1978.
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B. Privately Owned Vehicles

1. Incident to injury or illness

Pursuant to 37 U.S.C. § 554, members of the uniformed services who incur an injury or become ill while “on active duty” and require extended hospitalization are entitled to the transportation of one privately owned motor vehicle. However, since the statutory language and legislative history clearly indicate an intent to limit the entitlement to members on active duty, the Joint Travel Regulations may not be amended to include those persons whose retirement or separation from the uniformed services is caused by illness or injury since they are then not on active duty. B-200099, Jan. 6, 1981.

2. Incident to overseas assignment

a. To other than new station

The privately owned motor vehicle moved by a member to a port of embarkation in the United States under PCS orders to an unrestricted area overseas prior to reassignment to a restricted area, the dependents either remaining or returning to the opposite coast, comes within the scope of 10 U.S.C. § 2634. That section authorizes ocean transportation of one motor vehicle of the member at government expense to a new PCS “or such other place as the Secretary may authorize” for the personal use of a member or his dependents. Therefore, the JTRS may be amended to authorize the ocean shipment of a POV between coastal ports of the United States for the use of dependents. 45 Comp. Gen. 577 (1966).

b. In advance of orders

The shipment of POVs prior to the receipt of PCS orders by members of the uniformed services may be authorized on the basis the phrase “ordered to make a change of permanent station” in 10 U.S.C. § 2634(a), the authority for transportation of motor vehicles is identical to the phrase used in 37 U.S.C. § 406(a) to authorize the transportation of a member’s dependents, pursuant to which the JTRS provide for the transportation of dependents in advance of orders when supported by a certificate by appropriate authority stating that the member was advised by prior issuance of the PCS orders that such orders would issue. 50 Comp. Gen. 376 (1970).
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c. Orders amended, revoked, or modified

Since the term "household goods" as defined in the Joint Travel Regulations did not include a POV and 10 U.S.C. § 2634, providing for ocean shipment of the vehicle incident to a PCS, was silent as to shipment of the vehicle when orders are amended, canceled, or revoked, shipment of POV at government expense in such circumstances was not authorized. 45 Comp. Gen. 544 (1966). But see 10 U.S.C. § 2634 as amended by Pub. L. No. 93-548, December 26, 1974, which specifically authorizes shipment of POV in such circumstances.

d. Shipment of POVs for members of the uniformed services within CONUS

The Department of Defense Per Diem, Travel and Transportation Allowance Committee asks whether the Joint Travel Regulations may be amended to allow shipment of privately owned vehicles at government expense for certain service members who receive orders for a change of permanent station within the continental United States. (For example, hardship results for certain members when they are ordered to a new duty station and are not given sufficient time to drive the privately owned vehicle to the new duty station and are not permitted to have the vehicle shipped at government expense.) Since nothing in the applicable statute prohibits transportation of the privately owned vehicles under the circumstances presented, the Comptroller General has no objection to the proposed changes. B-221656, July 14, 1986. See 1 JTR para. 5410-F.

3. Leased vehicle

Member with long-term leased motor vehicle is not entitled to shipment of leased vehicle overseas at government expense since 10 U.S.C. § 2634 and the JTRS provide vehicle must be owned by the member, and a long-term lease is a bailment agreement in which the lessee is given possession, but the lessor retains ownership. 53 Comp. Gen. 924 (1974).

4. Mode of shipment

a. Air carrier

The term "privately owned American shipping services" as used in 10 U.S.C. § 2634 authorizing the overseas transportation at government expense of a privately owned motor vehicle of a member ordered to make a PCS is limited to vessels and the JTRS may not be revised to include such
transportation by air freight even if the use of air freight is limited to a not to exceed the cost of shipment by vessel basis. 54 Comp. Gen. 756 (1975).

b. Land transportation

The authority in 10 U.S.C. § 2634 for the shipment at government expense of POVs of members ordered overseas on a PCS does not permit the land movement of vehicles from one port to another in order to utilize U.S. flag shipping. Although it is permissible to ship vehicles by water at government expense from one port to an alternate port for transshipment to U.S. flag carriers, prudent management should require owners to deliver their vehicles to the ports from which U.S. flag shipping is available. Further, the land movement of vehicles between two ports is not authorized under section 2634 where the vehicle is delivered to a port from which no ocean transportation is reasonably available. 50 Comp. Gen. 615 (1971).

c. Water-rail service

The rejection by the Military Sea Transportation Service of Alaska Steamship Company tenders offering rates for the transportation of POVs of military personnel from Seattle to Anchorage by water-rail service is required in the absence of statutory authority for the use of water-rail service. 45 Comp. Gen. 608 (1966).

5. Ferry fares

a. Transoceanic ferry—English Channel

Although there is no authority in the regulations under which full fare (including that part attributable to transportation of the automobile) for hovercraft crossing the English Channel may be paid incident to temporary duty travel of military personnel, it does not appear that payment of such full fare would be objectionable under appropriate regulations if travel by automobile, including transoceanic ferry service, is specifically authorized as advantageous to the government since the transportation of the automobile may be considered as incident to authorized travel of the member in appropriate circumstances. 55 Comp. Gen. 1072 (1976). See 1 FPTR para. U5425-B.
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b. Alaska ferry system

Incident to PCS member's POV was transported via Alaska State Ferry System from Juneau, Alaska, to Seattle, Washington. Member is entitled to such transportation at government expense since "privately owned American shipping services," as used in 10 U.S.C. § 2634 authorizing the transportation at government expense of POV of a member ordered to make a PCS, includes state-owned vessels. 55 Comp. Gen. 672 (1976).

c. Newfoundland ferry

Since there is no highway in the Goose Bay area, Canada, over which a member could drive his automobile to his new United States duty station without using long-distance ferries, the JTRS pursuant to 37 U.S.C. §§ 404 and 406 may be changed to treat long-distance ferry transportation as transoceanic travel. Furthermore, under 10 U.S.C. § 2634(a), Canadian Pacific Railroad ferries may be used in the absence of the availability of American vessels; and if a member must arrange for the vehicle transportation, his travel orders should authorize the arrangement and his reimbursement voucher attest to the nonavailability of U.S. registered vessels. 53 Comp. Gen. 131 (1973). See generally, 1 JFTR para U5400-5457 and 1 JFTR para U5100-5165, for current rules.

d. Where mileage is paid

A member who, after receiving payment on a mileage basis for travel incident to a PCS from the United States to Newfoundland, claims reimbursement for the cost of ferry fares for travel between Nova Scotia and Newfoundland may not have the ferry travel regarded as "transoceanic travel" in view of specific exclusion in the definition of "transoceanic travel" of travel between the United States and the island portion of Newfoundland; therefore, the member having received payment for his travel and his dependents by POV on a mileage basis, which payment is a commutation of all transportation expenses, including ferry fares, may not receive additional payment for ferry costs. 41 Comp. Gen. 637 (1962).

e. Passenger charge included

Where the charges for crossing the English Channel via hovercraft are imposed for the transportation of the motor vehicle and not for the transportation of the driver and passengers, a member who drove his POV incident to a PCS, accompanied by his dependents, and who incurred a ferry expense to cross the Channel may not be reimbursed on the basis of
applying a percentage of the vehicle fare assessed for its transportation across the English Channel to the transportation of the drive and passengers in the vehicle, the member having paid no fare for his or his dependents' transportation via the hovercraft. 49 Comp. Gen. 416 (1970). See also B-202050, Oct. 9, 1981.

6. Cost reimbursement

a. Government shipment requirement

Where a member entitled under 10 U.S.C. § 2634 and 37 U.S.C. § 406(h) to government arranged free ocean transportation of a POV upon a PCS overseas, personally arranges and pays for the commercial shipment of a POV, the cost of the ocean transportation, absent specific statutory authority, may not be reimbursed to the member. The law authorizing the ocean transportation of POV confers no shipping entitlement on the member personally, nor does it provide for the reimbursement of personal expense incurred for the commercial transportation arranged by him. Therefore, the JTRS may not be amended to authorize reimbursement of transportation costs to members personally arranging for the shipment of motor vehicles to their permanently assigned overseas station. 45 Comp. Gen. 39 (1965). But see 51 Comp. Gen. 838 (1972).

b. Reimbursement for shipment of POV at personal expense

A retired Army sergeant is not allowed reimbursement for shipping his automobile at personal expense to his home of retirement in Hawaii, since he was under a requirement to have the shipment arranged by the government. While as an exception, reimbursement for personally procured transportation of an automobile in those circumstances may be allowed when it is demonstrated that the service member acted in reliance on erroneous advice furnished by a government representative, the service member in this case did not actually receive erroneous advice, despite his contention that he was misled by general information he received when he retired concerning reimbursement of his traveling expenses. B-222114, Sept. 4, 1986.

c. Government erroneously refuses to ship

A member eligible to have his automobile shipped at government expense pursuant to 10 U.S.C. § 2634 incident to his transfer overseas, who when erroneously denied such transportation arranged and paid for shipping the
vehicle by commercial means, is entitled to partial reimbursement in the amount the government would have been charged by the Military Sealift Command (MSC) under its applicable schedule of rates if government had arranged for the shipment. Regulations denying an eligible member reimbursement for the cost of shipping his privately owned vehicle overseas by commercial means when he personally arranges for the service because the government erroneously refused to do so may be amended to provide for partial reimbursement based on MSC costs. 45 Comp. Gen. 39 and other similar decisions modified. 51 Comp. Gen. 838 (1972). See 1 JFTR para. U5425-B.

d. Government delays shipment

Army member seeks reimbursement for 23 days of car rental expenses he incurred because of delay in shipment of his privately owned vehicle incident to his change of station. The delay was unnecessary and the member may not be reimbursed car rental expenses since there is no authority in statute or regulation which would allow reimbursement. B-205113, Feb. 12, 1982.

e. Foreign-made automobile

A member stationed overseas who had purchased a foreign-made vehicle overseas prior to entry on active duty may not be reimbursed the expenses of shipping the privately owned vehicle when he received permanent change-of-station order to the United States since 1 Joint Travel Regulations, para. M11002-3, specifically prohibits the shipment of foreign-made privately owned vehicles at government expense. B-210528, Aug. 25, 1983. See 1 JFTR para. U5415-B for current rules.

f. Replacement vehicle overseas

Volume 1 of the Joint Travel Regulations may be amended to authorize shipment of a replacement vehicle for a member of a uniformed service stationed overseas for a protracted period when his vehicle becomes impractical to repair because of normal deterioration and wear. The law requires only that replacement became necessary for a reason beyond the control of the member and that replacement is in the interest of the United States. B-212338, Dec. 27, 1983. See 1 JFTR para. U5410-C for current regulation.
7. Member on active duty

Members who incur injury by any means—whether or not they are in a duty, leave, or en route status—are entitled to the transportation of dependents, household and personal effects, and one automobile pursuant to 37 U.S.C. § 554, and the Joint Travel Regulations may be revised accordingly. However, absent reference in 37 U.S.C. § 554 to disease or illness, the section does not apply to members who become ill or contact a disease which does not result in their death in an active status. 49 Comp. Gen. 101 (1969). Note, however, 37 U.S.C. § 554 was amended by Pub. L. No. 93-548, § 3(1)(A), by adding “ill” following “injured.”

8. Member not on active duty

Pursuant to 37 U.S.C. § 554, members of the uniformed services who incur an injury or become ill while “on active duty” and require extended hospitalization, are entitled to the transportation of one privately owned motor vehicle. However, since the statutory language and legislative history clearly indicate an intent to limit the entitlement to members on active duty, the Joint Travel Regulations may not be amended to include those persons whose retirement or separation from the uniformed services is caused by illness or injury since they are then not on active duty. B-20099, Jan. 6, 1981.

9. Travel expenses to obtain automobile

Member who had arranged for purchase and delivery of an automobile in California incident to a change of station from Greece to Arizona was notified within 24 hours of his departure that he was to be redirected. He received amended orders and left shortly thereafter for his new duty station in Virginia. Member claims travel expenses incurred when he traveled to obtain the automobile in California. The Claims Group and service properly denied the claim since there is no authority, when a vehicle has not been shipped at government expense, which would authorize payment of travel expenses under these circumstances. Staff Sergeant Patrick L. Breen, B-246890, Jan. 15, 1992.
Waiver of Transportation and Travel Expenses

A. Waiver Generally

Erroneous payments of travel and transportation allowances made on or after Dec. 18, 1985, may be waived by the Comptroller General if, in his opinion, there exists no fraud, misrepresentation, fault, or lack of good faith on the part of the member or any other person having an interest in obtaining a waiver of the claim, and if the collection of the claim would be against equity and good conscience and not in the best interest of the United States. 10 u.s.c. § 2774.

B. Travel Advance

1. Erroneous travel advance

Under the waiver statutes, the Comptroller General may waive claims against federal employees and service members amounting to more than $1500 arising from overpayments of pay or allowances, if collection would be against equity and good conscience.

The Comptroller General and agency heads have concurrent jurisdiction to waive claims amounting to $1500 or less. Effective December 28, 1985, the waiver statutes were amended to include claims arising from erroneous payments of travel and transportation expenses. As a result of this amendment, travel advance payments are subject to waiver to the extent that expenses are incurred by an employee or service member in reliance on erroneous authorizations. Hence, waiver of indebtedness may be considered in the case of a member of the Air Force who was over-advanced $326.60 for his transfer to a new duty station, where it is shown that he received the overpayment as the result of an erroneous travel authorization and errors made in the computation of his entitlement. Since the record before us does not indicate whether the standards for waiver have been met in this particular case, the case is remanded to the Air Force for its determination of whether to grant waiver. 67 Comp. Gen. 496 (1988).

Air Force member whose travel advance exceeded his travel entitlements because of failure of Air Force to specify in travel order that member's mileage reimbursement for using his privately owned vehicle would be limited to cost of travel under a military transportation request may have resulting debt waived under the authority of 10 u.s.c. § 2774 as a result of his detrimental reliance on erroneous travel order. Captain James D. Ellefson, USAF, B-231557, June 7, 1989.

Officer may not be relieved of liability for advance travel funds which were taken from hotel safe deposit box in Kuwait during Iraqi invasion.
Chapter 9
Waiver of Transportation and Travel Expenses

since such funds are in the nature of a loan rather than government funds and there is no authority for waiver. Possible other relief under 31 U.S.C. § 3721 and § 8138 of Pub. L. No. 102-172 is under the discretion of the Secretary of Defense or department head and not for review by GAO. 


Former member of the Navy requests waiver under 10 U.S.C. § 2774 of his debt which arose when he was erroneously given travel advances at his permanent duty station. The member was a newly commissioned officer who believed he was entitled to per diem and spent the funds on food and lodgings. Partial waiver is granted for payments made to the member prior to the time he was informed of the error. The portion of the debt paid to him after he became aware that he was not entitled to it is not appropriate for waiver. John P. Spanik, B-247872, Sept. 25, 1992. 

C. Household Goods and Mobile Homes

1. Exceeding weight allowance

A longstanding practice of government in arranging transportation of employees' and service members' household goods incident to transfers of duty stations is for the government to contract with commercial carriers using government bills of lading (GBL). Upon completion of the shipment, the government pays the carrier and collects any excess charges from the member or employee for exceeding his or her authorized weight allowance or for extra services. Employees' or members' resulting debts do not arise out of "erroneous" payments, and therefore are not subject to consideration for waiver under 10 U.S.C. § 2774, 32 U.S.C. § 716, or 5 U.S.C. § 5584. Exceptional cases where there was some government error, such as erroneous orders, will be considered on a case-by-case basis. 67 Comp. Gen. 484 (1988). 

Where member was authorized to ship 1,300 pounds of household goods overseas to weight restricted country but due to surface carrier restrictions at overseas base on the weight that could be returned to United States (600 pounds) and fact that initial orders did not note this restriction, claim for excess weight charges which normally are not for waiver as erroneous payment under 10 U.S.C. § 2774(a) may be waived as exceptional case under 67 Comp. Gen. 484 (1988). Captain R.K. Kershenstein, USAF, B-248267, Sept. 24, 1992. See also Gunnery Sergeant Robert S. Jackowski, USMC, B-229335, Oct. 21, 1988.
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2. Do-it-yourself moves

Under the armed services voluntary do-it-yourself program, transferred members move their own household goods and receive an incentive payment based on 80 percent of what it would have cost the government to move them by commercial carrier. The member may receive an advance payment based on his estimated weight of the goods with final settlement being made based on actual weight of the goods. In some cases, because of inaccuracies in the weight estimate, the member must repay part of the advance received. The resulting debt is not subject to waiver consideration under 10 U.S.C. § 2774 because it did not arise out of an “erroneous payment,” but was the result of the regular operation of the program. Exceptional cases where there was some government error, such as erroneous orders, will be considered on a case-by-case basis. 67 Comp. Gen. 484 (1988).

3. Currency exchange rate

A Navy captain who exchanged British pounds sterling, representing the proceeds from the sale of his London home, for dollars at a Navy disbursing office is indebted to the United States for the $29,000 overpayment he received as a result of the disbursing officer’s use of an erroneous currency exchange rate that violated the applicable provisions in the Navy Comptroller Manual. We are not aware of any legal basis that would allow the Navy’s claim against Captain Medara to be waived. In particular, the waiver authority provided under 10 U.S.C. § 2774 is not applicable here because the overpayment in question does not constitute an erroneous payment of pay or allowance or travel and transportation allowances. Accordingly, we conclude that the Navy’s claim against Captain Medara is valid and that the Navy should proceed expeditiously to collect the amount in question from him. Captain Don W. Medara, USN, 70 Comp. Gen. 102 (1990).

4. Weight restrictions

Where the government pays the costs associated with transporting a member’s mobile home and the costs associated with a voluntary do-it-yourself move and these payments exceed the member’s entitlement resulting in a member’s indebtedness, the debt is not an erroneous payment which may be considered for waiver under 10 U.S.C. § 2774. Sergeant Karen H. Gustin, USAF, B-229099, July 7, 1989.
5. Additional services

A service member's debt for additional services for household goods provided to him in a permanent change-of-station move is not an "erroneous payment" that may be considered under the waiver statute (10 U.S.C. § 2774). Colonel Steven K. Ladd, B-245112, B-245112.2, Mar. 30, 1992.
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