



**Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Major Norman R. LeClair—Claim for Travel and Transportation Allowances

File: B-270134

Date: May 7, 1996

DIGEST

When a member is transferred overseas and is not able to transport a privately owned vehicle (POV) to his duty station, his travel entitlement for recovering the POV upon return to the United States is limited to allowances based on travel from the designated port of debarkation serving his new station to the new station.

DECISION

This is in response to a request for an advance decision regarding the claim of Major Norman R. LeClair, USAF, for additional travel and transportation allowances incident to a permanent change of station. We deny his claim.

When Major LeClair was transferred to Canberra, Australia, he was not able to ship a privately owned vehicle (POV) there. He stored two POVs at personal expense at Granite City, Illinois, near St. Louis, which was the port nearest his previous duty station. After serving in Australia, Major LeClair was transferred to Hill Air Force Base, Utah. Upon return in January 1995, Major LeClair and his family landed at Los Angeles, California, the designated port of debarkation for Hill. Major LeClair obtained air transportation for himself and his family to St. Louis with government travel requests, and he and his wife then drove the POVs to Utah. Major LeClair was paid the amount of travel and transportation allowances he would have received if he and his wife had driven directly from Los Angeles to Hill Air Force Base, minus the airfare from Los Angeles to St. Louis. He claims travel and transportation allowances for the distance he and his wife actually drove, from St. Louis to Hill, without reduction for the airfare from Los Angeles to St. Louis.

When a member makes a permanent change of station move, he is entitled to travel allowances between his old and new duty stations. See Volume 1 of the Joint Federal Travel Regulations (JFTR), paragraph U5100. When he arrives in the United States from an overseas duty station, he is entitled to travel and transportation allowances from the designated aerial port of debarkation for his new duty station to that duty station. 1 JFTR para. U5116. If he drives a POV to the new duty

station, he is entitled to a mileage allowance in lieu of transportation (MALT) plus a flat per diem for the distance between the designated port and the new duty station. 1 JFTR para. U5105-B. If a dependent drives a second POV there, a second MALT may be payable. 1 JFTR para. U5205-A.

In Bruce L. Harjung, USMC, 62 Comp. Gen. 651 (1983), we dealt with a Marine officer who was ordered to make a permanent change of station from Okinawa to Camp Pendleton, California. His family and POV were in Virginia, and a Marine Corp message purported to allow him to select an alternate aerial port of debarkation in order to pick up his POV. The message also provided for MALT plus a flat per diem from the alternate port to the new duty station. He therefore claimed his airfare from Los Angeles to St. Louis and MALT plus a flat per diem for constructive travel from St. Louis to Camp Pendleton. We said that his travel entitlements were governed by the Joint Travel Regulations (predecessor to the JFTR) and that his travel entitlement for himself was limited to allowances based on travel from his old station to his new station. We said that allowing a member to select an alternate port of embarkation would be tantamount to circuitous travel, which is not allowed. Upon his arrival in the United States, we allowed reimbursement for constructive travel only from the designated port to Camp Pendleton.

Major LeClair's situation is similar to that in 62 Comp. Gen. 651, supra. His entitlement was limited to travel from his old station in Australia to his new station in the United States. According to 1 JFTR para. U5116, after he reached the United States, he was entitled to allowances based on travel between the designated port of debarkation for his new duty station and the new station—i.e., from Los Angeles to Hill Air Force Base. According to 1 JFTR para. U5105-B, he was entitled to MALT plus flat per diem for constructive travel between those points. Since the route he took, Los Angeles to St. Louis to Hill, involved an alternate port and a greater distance than the direct route from the designated port, the cost of the airfare to St. Louis was properly deducted from his entitlement, and the MALT and the number of days of travel were based on constructive travel from Los Angeles to Hill. See also Air Force Regulation 177-103, December 31, 1991, para. 5-7. We are aware of no further entitlement under the JFTR in this situation. We contacted the Per Diem, Travel and Transportation Allowance Committee with regard to Major LeClair's claim and were informally advised that the method used by the Air Force to calculate his travel and transportation allowances was correct.

Major LeClair contends that his claim should be allowed because the JFTR do not cover his situation. His claim is covered, however, by Air Force regulation 177-103, supra, which limits reimbursement to MALT and flat per diem for travel from the designated port to the new duty station and requires the member to reimburse the government for any excess cost of transportation provided. We have no authority

to extend the entitlements provided in the JFTR; even if we had such authority, we would not exercise it in this case, given the Air Force regulation cited.

Accordingly, Major LeClair's claim is denied.

/s/Seymour Efros
for Robert P. Murphy
General Counsel