

DECISION

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

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FILE:

DATE: AUG 1 1974

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 MATTER OF:

[Claim for]

 Claim of Taisavali Afe, SH1, USNFR, per diem and
 travel expenses]

DIGEST:

1. Navy member who was transferred on August 10, 1973, to Fleet Reserve at Naval Air Test Center, Patuxent River, Maryland, and who was authorized to proceed by auto with dependents to port of embarkation (San Francisco International Airport), for further transportation to home of selection (Pago Pago, American Samoa), and who arrived at Naval Supply Center, Oakland on August 16 to allow time to process shipment of vehicle prior to departure from San Francisco International Airport on August 18, is not entitled to per diem nor to taxicab fares incident to delivery of vehicle for shipment overseas since it was for personal reasons and not on public business.
2. Navy member who is entitled to mileage allowance for travel of dependents from Patuxent River, Maryland, to San Francisco International Airport and from there to Taflina Airport via Government procured transportation may receive reimbursement for taxicab fare from Taflina Airport to Pago Pago in accord with par. M7002-3, JTR.
3. Where Navy member's dependents traveled from last permanent station at Patuxent River, Maryland, to port of embarkation, San Francisco International Airport, on mileage basis, and from there via Government procured transportation to Taflina Airport, port of debarcation, and from there to Pago Pago, home of selection via personally procured taxicab, reimbursement may be made for baggage handling expenses incurred in San Francisco and Pago Pago, in accord with par. M7002-3, JTR.

R This action is in response to letter (file reference CTO13/ICW: ccb, 7220), dated August 17, 1973, from the Deputy Disbursing Officer, Naval Air Test Center, Patuxent River, Maryland, requesting an advance decision as to whether Taisavali Afe, SH1, USNFR, is entitled to payment of per diem while awaiting transportation at San Francisco, California, and to reimbursement for taxicab fares, baggage handling

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and tips incident to travel to his home of selection, Pago Pago, American Samoa. The request was forwarded to this Office by endorsement of the Per Diem, Travel and Transportation Allowance Committee dated October 19, 1973, and has been assigned PPTATC Control No. 73-48.

It is stated that the member was transferred to the Fleet Reserve at Naval Air Test Center, Patuxent River, Maryland, on August 10, 1973, and that on that date he and his dependents proceeded to the port of embarkation (San Francisco) for further transportation to his home of selection (Pago Pago, American Samoa). It is stated further that they arrived at United States Naval Supply Center (NSC), Oakland, California, by private automobile on August 16, 1973, in order to allow reasonable time to process shipment of the member's vehicle prior to their departure from San Francisco on August 18, 1973.

The member's travel voucher lists the following as expenses: August 16, 1973 - taxicab from Oakland (NSC) to motel (\$5.00); August 18, 1973 - taxicab from Oakland to San Francisco International Airport (\$7.50); and August 18, 1973 - taxicab from Taflina Airport to home (Pago Pago) (\$7.50). In addition, claim is made for baggage handling and tips in San Francisco for \$1.50 and in Pago Pago, for \$1.50.

Although paragraph H4159 of the Joint Travel Regulations authorizes payment of per diem for transoceanic travel, the deputy disbursing officer expresses doubt as to whether this provision also applies to the delay at San Francisco. Also, since the travel was partly at personal expense, and partly on Government procured transportation (Transportation Request), the question arises as to whether reimbursement of expenses such as taxicab fare, baggage handling and tips is authorized.

Section 404 of title 37, United States Code, provides that under regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel performed under orders. Accordingly, paragraph H3050-1 of the Joint Travel Regulations provides that members are entitled to travel and transportation allowances only while actually in a travel status, and that they shall be deemed to be in a travel status while performing travel away from their permanent duty station upon public business, pursuant to competent travel orders.

Justice, Justice

Section 406 of title 37, United States Code, providing that under regulations prescribed by the Secretaries concerned a member upon change of permanent station is entitled to transportation in kind for his dependents, to reimbursement therefor, or a monetary allowance. Paragraph M7009 of the Joint Travel Regulations provides that a member on active duty who is separated from the service or relieved from active duty will be entitled to transportation for his dependents not to exceed the distance from his last permanent duty station or the place to which the member elects to receive travel allowances for his travel.

Paragraph M4159 of the Joint Travel Regulations which pertains to permanent change of station travel, to, from, or between points outside the United States states as follows:

"1. GENERAL. Except as specifically provided in subpars. 2 and 3, a member traveling under permanent change-of-station orders (including separation from the Service or relief from active duty) to, from, or between points outside the United States, which orders do not specify group travel or direct travel by a specific mode of transportation will be entitled to:

- "1. the allowances prescribed in par. M4150 or M4154, as applicable, for the official distance between the old permanent station and the appropriate aerial or water port of embarkation serving the old duty station;
- "2. transportation by Government aircraft or vessel, if available, otherwise Government procured transportation or reimbursement for transportation procured at personal expense for the transoceanic travel involved (see subpar. 4), plus per diem, if applicable, in accordance with Part F; and
- "3. the allowances prescribed in par. M4150 or M4154, as applicable, for the official distance between the appropriate aerial or water

port of debarkation serving the new station and the new permanent station."

Paragraph M7002-3 of the Joint Travel Regulations (Change 246, August 1, 1973), provides that when transportation in kind is furnished dependents upon permanent change of station or the member is reimbursed for the cost of such transportation, he is entitled to reimbursement for the cost of taxicab fare between places of abode and carrier terminals, between carrier terminals, from carrier terminals to lodging and return, when required by unavoidable transportation delays, which are beyond the control of the dependents, as well as to the cost of transferring baggage when itemized and the number of pieces is shown in the claim, provided that receipts are required to support any claimed item in excess of \$15.

Paragraph M7002-3 further provides that the foregoing items of expense are not reimbursable when dependents travel on a monetary allowance basis (mileage) except in connection with travel between two points considered a separate leg of a journey when monetary allowance in lieu of transportation is not payable between those two points, including from the permanent station to the port of embarkation and from the port of debarkation to the home of selection.

The Government's obligation in regards to the member's vehicle is limited to transporting it between an appropriate port in the United States and overseas, in accord with paragraph M11000-2 of the Joint Travel Regulations. Therefore, the delivery of his vehicle at the port for shipment overseas is a personal matter, not on public business, and per diem may not be authorized in connection therewith, nor may expenses incident to such delivery, such as the taxicab fare from Oakland NSC to a motel in Oakland, and from Oakland to San Francisco International Airport, be authorized.

With regard to reimbursement for taxicab fare from Oakland to San Francisco International Airport, it appears that since the member is entitled to receive a mileage allowance for travel of his dependents from Patuxent River, Maryland, to San Francisco International Airport and that transportation at that latter location via taxicab was not necessitated by unavoidable transportation delays beyond the control of his dependents as required by paragraph M7002-3 of the regulations, this expense may not be allowed. However, since it appears that the

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number obtained travel on a common carrier at his own expense from Taflina Airport to Pago Pago, in accordance with paragraph M7002-3 of the regulations, he may be reimbursed for the taxicab fare between these two points and in accordance with paragraph M7002-3 reimbursement may be made for baggage handling expenses incurred in San Francisco and Pago Pago.

The questions submitted are answered accordingly.

Comptroller General
of the United States

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