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DECISION

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

FILE: DATE: AUG 3 1976

MATTER OF: B-184861

2dLt. Shirley A. Underwood, USAF

DIGEST:

Air Force officer whose permanent duty station was located within San Antonio, Texas, and who 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, is not entitled to per diem allowances in conjunction with such 40-day assignment because that assignment did not involve or require any departure from the limits of the member's permanent duty station.

This action is in response to a letter dated October 7, 1975, from the Finance and Accounting Officer, Reese Air Force Base, Texas, requesting an advance decision as to the propriety of making payment on a voucher in the amount of $354.14, in favor of Second Lieutenant Shirley A. Underwood, USAF, [redacted] who claims travel, per diem and reimbursement for certain other expenses incurred in connection with a permanent change of station move from Kelly Air Force Base, Texas, to Reese Air Force Base, Texas. The request was forwarded to this Office by the Per Diem, Travel and Transportation Allowance Committee and assigned Control No. 75-31.

The record shows that by Special Order No. AA-0473, dated May 1, 1975, the member was transferred on a permanent change of station (PCS) assignment from Kelly Air Force Base, Texas, to Andrews Air Force Base, Maryland, with temporary duty (TDY) en route at Brooks Air Force Base, Texas, from July 6 through August 15, 1975, to enable her to attend a physiological training course. The order indicated that no funds were involved for the temporary assignment and specifically recognized that her TDY point was within the same metropolitan district as her permanent duty station and that she would incur no additional subsistence expense during the TDY. However, by Special Order No. AA-0564, dated May 22, 1975, the member's basic orders were amended to provide for TDY funding and to delete

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the remarks stating that the temporary assignment point was within the same metropolitan district as the member's PCS location. By Special Order No. AA-0878, dated July 28, 1975, the member's basic orders were further amended to substitute Reese Air Force Base, Texas, for Andrews Air Force Base, Maryland, as her new permanent duty station.

The submission indicates that pursuant to these orders the member was advised that she could terminate her permanent quarters near Kelly Air Force Base, ship her household goods to her next permanent duty station, and move into the Bachelor Officer's Quarters at Brooks Air Force Base for the duration of her TDY. On July 6, 1975, she signed out of Kelly Air Force Base, traveled 14 miles by private auto from Kelly Air Force Base to Brooks Air Force Base, and secured housing at the Bachelor Officer's Quarters there. She completed the required course of instruction at Brooks Air Force Base on August 15, 1975, and paid a Bachelor Officer's Quarters housing fee of $2 per day during her 40-day stay. After taking several days of leave, she traveled 429 miles by private auto from Brooks Air Force Base, Texas, to her new permanent duty station at Reese Air Force Base, Texas, where she signed in on August 20, 1975.

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 away from his designated post of duty regardless of the length of time he is away from that post. Regulations promulgated pursuant to that authority are contained in the Joint Travel Regulations.

Temporary duty is defined in Appendix J of those regulations as constituting duty at one or more locations other than the permanent station at which a member performs temporary duty under orders, which orders provide for further assignment, or pending further assignment, to a new permanent duty station or for return to the old permanent station upon completion of the temporary duty.

When a member is performing temporary duty as defined above, he is considered to be in a travel status, such status being the basis for entitlement to travel and transportation allowances. Subparagraphs M3050-1 and 2, Joint Travel Regulations.

Appendix J of the Joint Travel Regulations defines a permanent duty station as being the post of duty or official station to which a

member is assigned or attached for duty other than temporary duty or temporary additional duty, the limits of which will be the corporate limits of the city or town in which the member is stationed.

Under the provisions of paragraph M4201-5 of the Joint Travel Regulations, per diem is not authorized for any travel or temporary duty performed within the limits of the permanent duty station, with the exception of day of arrival at or return to the permanent duty station.

We have held that when a member is directed to proceed to a particular city for temporary duty and later report to another installation in the same city for permanent duty, his travel status ends upon his arrival in that city and no right to per diem accrues for such temporary duty. B-121605, October 25, 1954; 34 Comp. Gen. 427 (1955); 52 Comp. Gen. 751 (1973). It has further specifically been held that when a member is directed to proceed to San Antonio, Texas, for temporary duty at Brooks Air Force Base and later report to Kelly Air Force Base for permanent duty, his travel status ends upon his arrival in San Antonio and no right to per diem accrues for the temporary duty regardless of whether Government quarters are furnished. See case 2, B-143072, October 18, 1960.

This Office has also expressed the view that if a member is detached from his permanent duty station under PCS orders and thereafter proceeds to a temporary duty station, he enters a travel status when the temporary duty location is "outside the corpoprate limits of his old station." 50 Comp. Gen. 729 (1971) and 50 Comp. Gen. 803 (1971).

In the present case, the member signed out of Kelly Air Force Base on July 6, 1975, thus terminating her official duties at that post. However, the act of signing out did not constitute a departure from her old permanent duty station, since she had not yet departed the corporate limits of San Antonio, Texas. Furthermore, her subsequent actions in proceeding to Brooks Air Force Base and performing temporary duty there did not constitute a departure from the old permanent duty station, since these actions did not require a departure from the city of San Antonio. In this connection, an examination of a map of San Antonio, Texas, furnished by the Air Force authorities, shows that Kelly Air Force Base and Brooks Air Force Base both exist as enclaves wholly within the corporate limits of the city of San Antonio.

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Based on the foregoing, it is our view that the member did not attain a travel status until she completed her TDY at Brooks Air Force Base and departed San Antonio on August 20, 1975, to proceed to her new permanent duty station. Since she was not in a travel status during the period of her TDY at Brooks Air Force Base, we perceive no basis upon which payment for per diem during such period may be authorized.

However, paragraphs 4156-13 and 4500-2 of the Joint Travel Regulations, provide for payment of transportation expenses incurred in commuting to a temporary duty location within the limits of the permanent duty station. It is our view, therefore, that the member's claim for a mileage allowance for travel from Kelly Air Force Base to Brooks Air Force Base is allowable, if otherwise correct.

The travel voucher, which is returned may not be paid as is, but may be processed for payment in accordance with the conclusion hereinabove reached.

R. F. Keller

Deputy Comptroller General
of the United States

Enclosure

SUBSISTENCE
  Per diem
    Military personnel
      Temporary duty
        En route to new duty station

SUBSISTENCE
  Per diem
    Military personnel
      Temporary duty
        Near permanent duty station

SUBSISTENCE
  Per diem
    Military personnel
      Temporary duty
        Corporate limits of city

SUBSISTENCE
  Per diem
    Military personnel
      Temporary duty
        Within corporate limits of permanent station

SUBSISTENCE
  Per diem
    Military personnel
      Travel status
        Requirement