

118009

Dampier

21389

DECISION



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

FILE: B-204516

DATE: April 5, 1982

MATTER OF: Colonel Roger K. Parrish, USAF

DIGEST: An Air Force member whose dependents traveled from an overseas post to the United States under early return of dependents orders rather than under permanent change of station orders issued later is not entitled to receive dependents' temporary lodging allowance for 10 days prior to their departure. Temporary lodging allowance prior to departure is authorized beginning upon receipt of permanent change of station orders or an "official alert notice." General information that permanent change of station orders would be arriving imminently did not constitute an official alert notice within the meaning of the Joint Travel Regulations.

This is in response to a request from the Accounting and Finance Officer, Headquarters 50th Tactical Fighter Wing (USAFE), APO New York 09109, requesting an advance decision as to whether he may pay dependents' temporary lodging allowance to Colonel Roger K. Parrish, USAF, for the period May 26 to June 4, 1981. We find that Colonel Parrish is not entitled to the allowance because his dependents traveled under early return of dependents orders, under which the allowance does not accrue, rather than permanent change of station orders.

The request was assigned Control Number 81-22 and forwarded to us by the Per Diem, Travel and Transportation Allowance Committee.

While stationed at Hahn Air Force Base in West Germany, Colonel Parrish was orally informed on April 25, 1981 that he was selected for an assignment to the Pentagon, Washington, D.C. This oral information was conveyed by the commanding officer of the 17th Air Force, Major General Brown.

On the basis of the oral exchange with General Brown and prior to his receipt of official orders, Colonel Parrish began arrangements to have his dependents returned to the United States. It appears that due to personal family

B-204516

problems, Colonel Parrish wished to return his dependents to the United States immediately. However, he apparently found that to have his dependents returned, he would have to wait for official permanent change of station orders before moving them, or request orders to move his dependents early without change of station orders. This was apparently discussed with Colonel Parrish by the local personnel officer. In the absence of official orders directing a permanent change of station, early return travel of dependents from an overseas post may be authorized pursuant to 37 U.S.C. § 406(e) and (h) and the implementing regulation, paragraph M7103, Volume 1, Joint Travel Regulations (1 JTR).

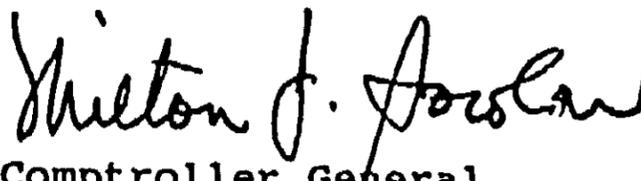
Because of the personal problems, Colonel Parrish insisted that his dependents should be moved before the end of May 1981 whether he had received the expected permanent change of station orders by that time or not. Thus, Colonel Parrish consciously elected to have his dependents moved without those orders if necessary to meet this deadline set by him. Since the official permanent change of station orders were not issued within the desired time, orders authorizing the early return of his dependents were locally issued to Colonel Parrish on May 19, 1981, in compliance with his wishes and pursuant to 1 JTR, paragraph M7103.

Colonel Parrish then moved his dependents from their permanent housing and obtained temporary lodging for them during the 10-day period immediately prior to their departure, May 26 to June 4, 1981. The local Housing Referral Office apparently led Colonel Parrish to believe that he would be entitled to a temporary lodging allowance for his dependents for the period in question. However, the applicable regulation, issued under 37 U.S.C. § 405, paragraph M4303-2e(2), 1 JTR, prohibits the payment of a dependents' temporary lodging allowance for periods prior to the issuance of either permanent change of station orders or an official alert notice. The allowance is authorized preceding departure on permanent change of station. However, no provision is made for payment of the allowance for dependents returning under early return orders.

B-204516

Colonel Parrish had not been issued permanent change of station orders at the time his dependents obtained temporary lodging. His orders were not issued until June 16, 1981, and they transferred him to Norton Air Force Base, California, effective August 31, 1981, rather than to the Pentagon. As to whether his oral exchange with General Brown may have constituted an "official alert notice" for dependents' travel entitlement, an "official alert notice" is an official notice that the member's unit has been alerted for movement. 1 JTR, paragraph M7109-1. The oral advice Colonel Parrish received was not such a notice. General information of an impending change of station or of anticipated orders effecting a change of station generally is not considered as official notice of issuance of orders. B-183684, April 5, 1976.

Accordingly, we find Colonel Parrish is not entitled to dependents' temporary lodging allowance for the period May 26 to June 4, 1981, inasmuch as his dependents traveled under early return of dependents orders and not under permanent change of station orders or an official alert notice.

for 
Comptroller General
of the United States