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Comptroller General
of the United States

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Washington, D.C. 20548

Decision

Matter of: Colonel Dexter V. Hancock

File: B-256270

Date: July 15, 1994

DIGEST

Where member and family used foreign flag vessel for permanent change of station transoceanic travel, rather than U.S. flag airline as member initially had elected, and transportation officer has certified that no U.S. flag vessel was available, member may be reimbursed based on the constructive cost of direct airfare from Europe.

DECISION

Colonel Dexter V. Hancock has appealed the settlement of our Claims Group denying his claim for the constructive cost of air transportation for himself and his dependents from Hampton, England, to New York City, New York, incident to his permanent change of station from Germany to Carlisle Barracks, Pennsylvania. We reverse the settlement.

Colonel Hancock's orders, dated April 2, 1990, noted that he had elected to travel by U.S. flag commercial carrier at his own expense and claim reimbursement at the current Military Airlift Command tariff rate. The orders stated that Colonel Hancock had to fly on a U.S.-owned airline to receive reimbursement. Transportation was also authorized for his wife and two dependent children.

However, Colonel Hancock and his family performed the transoceanic portion of the travel aboard the Queen Elizabeth II, a foreign flag vessel. The Defense Finance and Accounting Service denied Colonel Hancock's claim for the constructive cost of the travel as doubtful because he had not been authorized to travel by vessel but was to have performed the crossing aboard a U.S. airline; our Claims Group agreed.

Although Colonel Hancock's orders do not specifically authorize him to travel by vessel, they also do not require him to use air travel in order to be reimbursed. Rather, they simply recognize that he "elected to travel by U.S. Flag Commercial Carrier at [his] own expense and claim reimbursement at the [air] rate"; the orders then caution Colonel Hancock that he must fly a U.S.-owned airline in order to be repaid.

Paragraph U3130A, Volume 1, of the Joint Federal Travel Regulation (JFTR) in effect at the time of Colonel Hancock's travel, states that commercial ship transportation is not normally an authorized mode for transoceanic travel for members and dependents, so that in the absence of specific authorization the authorized mode is air "for the basis of reimbursement." The regulation thus contemplates that while the full cost of vessel travel that has not been authorized specifically will not be reimbursed, the traveler may be repaid based on the constructive airfare that would have been spent to complete the permanent change of station.

The record reflects some question about the effect of Colonel Hancock's use of a foreign flag vessel on his entitlement to reimbursement. Colonel Hancock, however, has submitted a statement from his transportation officer that no U.S. flag vessels were sailing from Europe at that time. We note that JFTR paragraph U5116E, which addresses reimbursement when a member makes a personal decision to perform permanent change of station travel over a circuitous route, permits an allowance for the cost of transoceanic transportation on a foreign flag vessel if the transportation officer certifies that U.S.-flag vessels are not available.[1] The circuitous-route allowance for land and transoceanic travel combined just cannot exceed the amount to which the traveler would have been entitled for direct travel, which in this case is the constructive air travel cost as stated above.

Accordingly, Colonel Hancock is entitled reimbursement of his transoceanic travel costs based on the constructive cost of direct air travel.

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

[1] See also, JFTR paragraph 5116D.3, which permits reimbursement for direct travel at personal expense on a foreign flag vessel, with the same qualification.