



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Chief Petty Officer Stephen E. Fors, USCG—Claim for Flat Per Diem for Additional Travel Time

File: B-258265

Date: February 10, 1995

DIGEST

A member traveling to a new duty station with his dependents was delayed when his wife was hospitalized en route. His new commanding officer authorized additional travel time. Flat per diem is payable for the member and his dependents for the number of additional days authorized and actually used to complete the travel, since the Joint Federal Travel Regulations grant the commanding officer discretion to authorize additional travel time.

DECISION

This is in response to a request from an authorized certifying officer of the United States Coast Guard for an advance decision regarding the claim of Chief Petty Officer (Chief) Stephen E. Fors, USCG, for per diem for additional travel time in connection with a permanent change of station (PCS).¹ The claim may be allowed.

In 1993, the Coast Guard transferred Chief Fors from Elizabeth City, North Carolina, to Kodiak, Alaska. While Chief Fors and his family were traveling to his new duty station, his wife became seriously ill and was admitted to the Ellsworth Air Force Base hospital, Rapid City, South Dakota, on July 16, 1993. She was released from the hospital on July 25, but her doctor advised her not to travel until July 27. Chief Fors and his family arrived in Kodiak on August 4. The commander at Kodiak allowed 12 days of additional travel time, and Chief Fors claimed flat per diem for himself and his dependents for those days.

The certifying officer who submitted the claim questions whether flat per diem is payable for the additional travel time allowed Chief Fors under paragraph U5160-B2 of volume 1 of the Joint Federal Travel Regulations (JFTR). He calls our attention to a sentence in paragraph U5160-A which states that the travel time allowed under paragraph U5160 is not always related to the time allowed for per diem computation purposes. He also asks hypothetically whether additional travel time

¹The Per Diem, Travel and Transportation Allowance Committee assigned control number 94-01 to the request.

could legitimately be approved for dependents under similar circumstances if they did not accompany the member and whether per diem would then be payable for them.

Under 1 JFTR para. U5105-B, a member on PCS travel is entitled to a monetary allowance in lieu of transportation (MALT) on a "per mile" basis plus flat per diem for travel by privately owned conveyance. If he is entitled to travel and transportation of dependents, MALT and flat per diem are generally payable for his dependents if they travel by privately owned conveyance. See 1 JFTR chapter 5, Part C. Under 1 JFTR para. U5160, 1 day of travel time is generally allowed for each 350 miles of the official distance of ordered travel. However, a member may be authorized additional travel time when travel is delayed for reasons beyond his control. As examples of such reasons, the JFTR list acts of God, restrictions by government authorities, difficulties in obtaining gasoline, and other reasons satisfactory to the member's new commanding officer. See 1 JFTR para. U5160-B2.

In the present situation Chief Fors's new commanding officer accepted Mrs. Fors's hospitalization as a satisfactory reason and allowed additional travel time. Since the JFTR expressly give the member's new commanding officer the discretion to approve additional travel time, this Office will not question the payment of flat per diem for the additional days as authorized and actually used to complete his travel. See Colonel William J. Camp, USAF, B-241848, Aug. 23, 1991.

We have been advised by the Per Diem, Travel and Transportation Allowance Committee that the provision in 1 JFTR para. U5160-A, that states that travel time allowed under this paragraph is not always related to the time allowed for per diem computation, has no application to this case. That provision relates to situations unlike the instant case where the use of a privately owned vehicle is not advantageous to the government and constructive travel time is used to compute per diem.

Regarding the certifying officer's hypothetical questions on payment of travel for dependents not accompanying a member, we would prefer addressing these issues if and when they arise within the factual context of an actual case, and therefore do not offer a response at this time.

Accordingly, the claim for flat per diem for additional travel time may be allowed for the number of days he utilized to complete his PCS travel if otherwise correct.

for *Raymond E. ...*
Robert P. Murphy
General Counsel