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DECISION



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

FILE: B-203356

DATE: February 9, 1982

MATTER OF: Colonel [redacted], USAF

DIGEST: A service member was ordered on temporary duty travel (TDY) via Fly-It-Yourself rental aircraft. Several hours after departure, he was forced to return to the starting point due to inclement weather without reaching the TDY station. Although 1 JTR, para. M3050-2, item 5, states a requirement that to be in a travel status the travel must be pursuant to orders which require a landing be made away from starting point, the member in this case is considered in a travel status since the travel orders provide for such a landing point and the travel was properly begun. A travel status existed, even though the outward bound portion of the journey was not completed.

This action is in response to a letter, with enclosures, from the Accounting and Finance Officer, 96th Bombardment Wing, Dyess Air Force Base, Texas, requesting a decision as to the propriety of making payment on a voucher in favor of Colonel [redacted], USAF, for reimbursement of the rental of a Fly-It-Yourself aircraft incident to ordered temporary duty (TDY). This matter has been assigned Control No. 81-15 by the Per Diem, Travel and Transportation Allowance Committee.

By orders dated January 28, 1981, as amended by orders dated February 24, 1981, Colonel [redacted] was directed to perform 3 days' TDY, proceeding on February 27, 1981, to White Sands Missile Range, New Mexico, and returning to his permanent station, Dyess Air Force Base, Texas. Those orders authorized him to hire a Fly-It-Yourself aircraft for that TDY travel as being more advantageous to the Government.

Colonel [redacted] departed Abilene, Texas, on February 27, 1981, at 12:15 p.m., for this travel via rented aircraft. Due to bad weather, he was unable to complete the flight to

his TDY destination, and he was forced to return to his starting point, Abilene, Texas, at 2:20 p.m. the same day. However, he still incurred expenses in the amount of \$101.43 representing costs associated with the renting of the aircraft.

The finance officer expresses doubt as to whether the claimed expense is reimbursable. He points out that the language contained in paragraph M3050-2 of Volume 1, Joint Travel Regulations (1 JTR), suggests that Colonel may not have been in a travel status since no landings were made away from his TDY travel starting point, Abilene, Texas.

Generally, the travel of members of the uniformed services at Government expense is authorized by 37 U.S.C. 404 which provides that under regulations prescribed by the Secretaries concerned, a member is entitled to travel and transportation allowances for travel performed under orders, upon a permanent change of station or otherwise, or when away from his designated duty station. Paragraph M3050-1, 1 JTR, issued pursuant to that authority, provides that members are entitled to these allowances only while actually in a travel status and they shall be deemed to be in a travel status while performing travel away from their permanent duty station, on public business, pursuant to competent travel orders. It also provides that a member's travel status begins when he leaves his home, office, or other point of departure, and ends when he returns.

In construing the term "public business" we have held that it relates to the activities or functions of the service to which the traveler is attached, and the travel contemplated is that which reasonably may be considered as appropriate in the accomplishment of the purposes and requirements of such activities and functions. 55 Comp. Gen. 1332, 1334 (1976). In other words, travel allowances are authorized for members of the uniformed services for the purpose of reimbursing them for the expenses incurred in complying with the travel requirements imposed upon them by the needs of the services. 51 Comp. Gen. 548 (1972) and 49 Comp. Gen. 663 (1970).

The questioned provision, paragraph M3050-2, provides in part:

"Travel status," whether travel is performed by land, air, or sea * * * will include any of the following conditions:

* * * * *

"5. Travel by air: the term 'travel by air' is defined as a journey by Government or other aircraft * * * made pursuant to orders of competent authority, which requires one or more landings away from the starting point; it includes all necessary delays incident to repairs of aerial equipment, refueling, weather, and other delays incident to the mode of travel * * *."

Item 5 of paragraph M3050-2 could be interpreted so as to limit the definition so that "one or more landings away from the starting point" must actually take place in order for a travel status to arise. However, we do not believe that was the intent of the regulation nor in keeping with the purpose of 37 U.S.C. 404. That is, in a case such as this where to carry out the ordered travel a landing or landings away from the member's permanent duty station would be required, and the travel is begun but not completed due to weather conditions, the member should be considered in a travel status regardless of whether he was able to make a landing away from his permanent station. Compare 52 Comp. Gen. 452 (1973).

Accordingly, settlement may be made with Colonel [redacted] for the cost of airplane rental, if otherwise correct. The voucher accompanying the submission is being returned to the finance and accounting officer for payment.

for *Milton J. Fowler*
Comptroller General
of the United States