



DIGEST - MILITARY - L
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

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DECISION

FILE:

DATE: FEB 28 1975

B-182283

MATTER OF:

DIGEST:

Per diem allowance for Air National Guard technician on temporary duty in civilian and military status -

An Air National Guard technician, employed under 32 U.S.C. 709, who performed temporary duty for three days (Friday through Sunday) away from his home station, is entitled to per diem at civilian rate for Friday (part of regular work week) and for Saturday and Sunday (inactive duty training period) at military rate.

This action is in response to letter dated August 21, 1974 (file reference ACF), with enclosures, from the Chief, Accounting and Finance Branch, Comptroller Division, Headquarters 2d Combat Support Group (SAC), Barksdale Air Force Base, Louisiana 71110, requesting an advance decision concerning the entitlement of Major [redacted], Mississippi Air National Guard, to payment of per diem allowance for the period March 29-31, 1974, in the stated circumstances. The request was forwarded to this Office by letter from Headquarters Air Force Accounting and Finance Center (file reference XSPT), dated September 3, 1974, and has been assigned Control No. 74-37 by the Per Diem, Travel and Transportation Allowance Committee.

The submission states that Major [redacted] is a Government employee (GS-10, ART Personnel), assigned to the 172nd Tactical Airlift Group, Jackson, Mississippi, and holds the grade of major in the Mississippi Air National Guard, assigned to the 172nd Tactical Airlift Group, Jackson, Mississippi.

While not stated in the request for advance decision, Major [redacted] status is that of a "technician" in the Air National Guard, employed under the authority of the National Guard Technicians Act of 1968, Public Law 90-486, 32 U.S.C. 709. Such technicians have a dual status, as both civilian employees and members of the National Guard.

By civilian temporary duty orders No. TC-87-MS, dated March 26, 1974, issued by Headquarters 172nd Tactical Airlift Group, Jackson, Mississippi, Major [redacted] was authorized temporary

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duty (TDY) for a period of three days, commencing March 29, 1974, to coordinate loading of EAID equipment. The itinerary for TDY was Thompson Field (home station), Jackson, Mississippi, to Gulfport (TDY point), Mississippi, and return. These orders, which referred to Major [redacted] in his technician status of Equipment Management Officer, GS-10, and Major, Mississippi Air National Guard, also bore the statement that--"During the period covered by this travel order you are authorized to perform inactive duty training in a military pay status during normal work hours."

It is explained in the submission that Major [redacted] normal work week as a technician is Monday through Friday, and a unit training assembly (UTA) was performed on March 30 and 31, 1974-- Saturday and Sunday. In view thereof, decision is requested as to whether per diem is payable to the member under the provisions of the Joint Travel Regulations in Volume I (military) or Volume II (civilian), or a combination of the two. Question is also presented as to whether payment for March 30 and 31, 1974, be made at entirely military rates or would military rates apply only for the quarters of the day that inactive duty was performed.

At the outset, it should be noted that this Office has been informally advised that normally two sets of orders would have been issued for the TDY period in question, one order covering Major [redacted] civilian status, and the other order covering his military status. In this respect, this Office has been furnished with a clarifying statement dated September 30, 1974, from the Commander, 172nd Tactical Airlift Group, certifying that Major [redacted] was authorized to perform inactive duty training (Civil Disturbance Training) on March 30 and 31, 1974, and that such training was authorized to be performed away from home station due to nonavailability of firing range.

With the foregoing clarification, it is apparent that Major [redacted] was in his civilian employee status on March 29 (Friday), and his entitlement to per diem was under paragraph C8101, JTR, Volume II, for that first day of temporary duty since it was performed as a part of his regular civilian work week.

However, on March 30 (Saturday) and March 31 (Sunday), Major [redacted] was a military member of the Air National Guard performing authorized inactive duty training away from his home station. In this respect, paragraph M6002-3, JTR, Volume I, provides that a member directed to travel from the location of

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his Reserve component unit headquarters to another place for temporary duty for which the member is entitled to inactive duty training pay for one or more days will be entitled to the temporary duty allowances prescribed in Chapter 4, while away from the location of his Reserve component unit headquarters.

Under the foregoing, the inactive duty training performed by Major on March 30 and 31, 1974, would permit payment of per diem entirely at military rates for those two days, and would continue until Major return to Jackson, Mississippi (the location of his unit headquarters). The questions presented are answered accordingly.

R.F. KELLER

Deputy Comptroller General
of the United States