

DECISION

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

FILE: B-184231

DATE: SEP 16 1975

MATTER OF: Reimbursement for movement of household effects - Ms.

- DIGEST: 1. Navy member's wife who separated from her husband and moved her household effects from Government quarters to a separate residence, is not entitled to reimbursement by the Government for such move, since it was not incident to a permanent change of station for the member.
2. Where subsequent to Navy member's release to Fleet Reserve, member remained in Pensacola in same area as last duty station, his former wife may not utilize his entitlement to household goods transportation to a home selected by member for himself, for transportation of her household goods from Pensacola to Cantonment, Florida, despite court divorce judgment directing the member to make arrangement with Navy for such transportation, in absence of statute and regulations permitting former wife such transportation at Government expense incident to his transfer to the Fleet Reserve.

This action is in response to letter dated May 22, 1975, from Ms. , former wife of Senior Chief Yeoman , U.S. Naval Fleet Reserve, requesting reconsideration of our Transportation and Claims Division settlement of May 16, 1975, which disallowed her claim in the amount of \$92.25 as reimbursement for movement of household effects, and also making claim for \$105.86 for a prior household goods movement.

The record indicates that Ms. separated from her husband and moved at her own expense (\$105.86) from the Government housing she was occupying with the member, to Pensacola, Florida, in September 1973. Subsequently, on November 1, 1973, Petty Officer was released from active duty and transferred to the United States Naval Fleet Reserve. On November 5, 1973, the Circuit Court, Escambia County, Florida, issued a final

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judgment dissolving the marriage of _____, Petitioner, and _____, Respondent.

The judgment contained the following statement:

"Petitioner shall make arrangements with the United States Navy for the transportation of Respondent's items of personal property from Escambia County, Florida, to a destination of Respondent's choice, without cost to the Respondent."

Ms. _____ submitted a claim, together with a household goods carrier's receipt, in the amount of \$92.25, for movement of household effects on July 29, 1974, from _____, Pensacola, to _____, Cantonment, Florida. In her letter of May 22, 1975, Ms. _____ requests that she be reimbursed for either the move of July 29, 1974, or for the move in September 1973, since at that time she still was a dependent of Petty Officer _____.

Section 406 of title 37, United States Code (1970), provides that under such conditions and limitations as the Secretaries concerned may prescribe, a member of a uniformed service shall be entitled to the transportation of household goods or reimbursement therefor, in connection with a change of station.

Paragraph M8253-1, Volume 1, Joint Travel Regulations (1 JTR), promulgated in accordance with the above statute, provides that for personnel on active duty, shipment of household goods from the last duty station to the new duty station is authorized. The regulations do not authorize shipment of household goods unless such shipment is in connection with a member's permanent change of station or a temporary change of station as provided under paragraph M8200-1 of the regulations.

Thus, the right to transportation of household goods accrues only when the movement is incident to a change of residence resulting from an ordered change of station for a member of a uniformed service. See 33 Comp. Gen. 431 (1954). The record does not indicate that at the time of the movement of Ms. _____ household effects in September 1973, that the member had orders for a change of station which would entitle him or his dependents to transportation

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of household effects at Government expense. Accordingly, there is no authority for reimbursement of the cost of the September 1973 movement.

The movement of Ms. household goods from Pensacola to Cantonment, Florida, on July 29, 1974, occurred after Petty Officer's release from active duty with no single break therein of more than 90 days after a continuous period of eight years or more.

Paragraph M8260, 1 JTR, promulgated in accordance with 37 U.S.C. 406(g), provides that a member on active duty is entitled to shipment of his household goods from his last or previous permanent duty station to the home selected by the member when he, immediately following at least eight years of continuous active duty with no single break therein of more than 90 days, is transferred to the Fleet Reserve.

The record indicates that Petty Officer after his release from active duty remained at Pensacola, Florida, which was also his last duty station. On July 29, 1974, Ms. who no longer was a dependent of the member, having been divorced from him on November 5, 1973, had her own goods shipped incident to her change of residence from Pensacola to Cantonment, Florida. Clearly, the shipment of household goods of the member's former wife incident to her change of residence did not constitute a shipment of the member's household goods to his home of selection incident to his release from active duty.

Although the judgment dissolving the marriage of the provided that the member would make arrangements with the United States Navy for transportation of Ms.'s personal property, such agreement was only between the parties to the agreement, and was not binding upon the U.S. Navy and could not confer transportation entitlements not authorized in accord with the above-cited statutes and regulations.

Accordingly, reimbursement for the shipment of Ms.'s household goods in September 1973 and on July 29, 1974, is denied.

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and the action taken by our Transportation and Claims Division on May 16, 1975, is sustained.

R.F. KELLER

Deputy Comptroller General
of the United States