

## DECISION

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

FILE: B-185576

DATE:

JUL 20 1976

MATTER OF: Chief Master Sergeant

USAF

DIGEST: Member who, while taking leave en route incident to permanent change of station from Offutt Air Force Base, Nebraska, to Elmendorf Air Force Base, Alaska, traveled circuitously to port call situs in Washington and was hospitalized at leave point in California, is not entitled to transportation allowances in excess of mileage allowance for official distance between old duty station and port call situs, since travel from leave point to port call was necessitated by solely personal reasons and was not performed incident to competent medical transfer orders.

This action is taken pursuant to a letter dated October 29, 1975, file reference ACF (752-0106), with enclosures, from the Director of Accounting and Finance, Headquarters, Alaskan Air Command, APO Seattle 98742, requesting an advance decision concerning the entitlement of Chief Master Sergeant , USAF, to a mileage allowance from his leave point, Alameda Naval Air Station (NAS), California, to San Francisco, California, and to the cost of commercial air transportation from the San Francisco International Airport, California, to the Seattle-Tacoma International Airport (Sea-Tac), Washington, for himself and his dependents. The request was forwarded to this Office by endorsement dated December 9, 1975, with enclosure, from the Per Diem, Travel and Transportation Allowance Committee and was assigned PDTATAC Control No. 75-39.

The record shows that by Special Order No. AA-917, dated March 19, 1975, the member was directed to proceed from Offutt Air Force Base (AFB), Nebraska, to his new permanent duty station, Elmendorf AFB, Alaska, to report on July 10, 1975. He was authorized concurrent travel for his dependents. Prior to departure from Offutt AFB, the member and his family were issued a port call for Sea-Tac for the purpose of enabling air transportation to the new duty station.

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On June 10, 1975, Sergeant [redacted] and his family departed Offutt AFB, by privately owned vehicle. While traveling by a circuitous route to Sea-Tac, the member took a delay chargeable to leave at Alameda NAS. On June 27, 1975, while at his leave point, Sergeant [redacted] became ill and was admitted to the Oakland Naval Regional Medical Center, a distance of 2 miles from the member's leave point, for removal of a ruptured appendix. On July 8, 1975, the member was discharged from the hospital and received written instructions from the hospital commander to report to the hospital commander at Elmendorf AFB. Additionally, the member states that he received verbal orders from the attending doctor and the hospital commander directing that, for medical reasons, he proceed from Oakland to Alaska via commercial air.

He was issued a transportation request at the San Francisco Navy Regional Finance Center for his and his family's travel from San Francisco to Anchorage, Alaska. On July 11, 1975, 3 days after his hospital discharge, the member departed his leave point and traveled via commercial automobile to the San Francisco Airport. On arrival, the member and his dependents utilized the transportation request issued in advance for such purpose, and traveled via commercial air to Anchorage International Airport, transferring en route at Sea-Tac, the location of the port call specified in the permanent change of station orders. Later that day, Sergeant [redacted] reported at Elmendorf AFB.

Subsequent to his arrival at Elmendorf AFB, Sergeant [redacted] submitted a claim for the travel described above. He was paid mileage for the official distance from Offutt AFB, his former duty station, to Sea-Tac, the port call situs, for himself and his family. However, that portion of the cost of the transportation request used for the travel from San Francisco to Sea-Tac was deducted from the above entitlement. The member disagrees with that computation and indicates that he believes he is entitled to mileage from Offutt Air Force Base to San Francisco and air transportation from San Francisco to Alaska for himself and his dependents. The Director of Accounting and Finance has submitted vouchers on that basis requesting an advance decision as to whether payment may be made thereon.

Section 404 of title 37, United States Code (1970), provides that under regulations prescribed by the Secretaries concerned, a

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member of the uniformed service 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. Under 37 U.S.C. 406 (1970) a member who is ordered to make a change of permanent station is entitled to the transportation of his dependents. Paragraph M3050-1, Volume 1 of the Joint Travel Regulations (1 JTR), issued pursuant to this authority, provides that members are entitled to these allowances only while actually in a travel status while performing travel away from their permanent duty station, on public business, pursuant to competent travel orders.

In this regard, it is well established that travel allowances are for the purpose of reimbursing members for expenses incurred in complying with the travel requirements imposed on them by the bona fide needs of the service over which they have no control and are not intended to compensate members for the costs of travel necessitated by solely personal considerations. Similarly, travel allowances are not payable for travel performed or necessitated solely by reason of leave, since such travel is considered as performed for personal reasons rather than on public business. See 54 Comp. Gen. 641, 643 (1975) and cases cited therein.

Thus, the Government's obligation to members of the uniformed services, traveling with dependents upon a change of permanent station with authorized leave en route, is limited to furnishing them transportation or reimbursement for travel from the old to the new station by the most direct or official route. If the member and his dependents, while taking leave en route, elect to travel by other than the official or direct route, they, as a consequence thereof, travel on a permanent change of station partly at personal expense and are entitled to travel and transportation costs actually incurred, not to exceed the costs that necessarily would have been incurred for travel by the direct or official route to the new duty station. See 47 Comp. Gen. 440, 443-444 (1968) and B-180936, January 6, 1975. In this connection, paragraphs M4154-IV and M7002-1d1 (change 263, January 1, 1975), 1 JTR, provide, in substance, that when a member and his dependents perform permanent change of station travel partly at personal expense and a portion of such travel is covered by a transportation request (Government procured transportation), the member will be entitled to a mileage allowance for the distance of the ordered travel (direct or official route), less the cost of the transportation request.

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In the present case, the member and his dependents elected to travel circuitously with leave en route. It is clear that direct route travel to Sea-Tac did not require travel through the Oakland, California area. Since the travel from Offutt AFB to the member's leave point was undertaken in connection with leave and was not part of the ordered travel, any costs to the Government for the travel performed between the leave point and Sea-Tac would ordinarily be viewed as travel necessitated by personal, rather than public, considerations. As such, the cost of the transportation request could properly be deducted from the member's mileage allowance for the official distance between Offutt AFB and Sea-Tac. See B-166200, March 20, 1969, and 44 Comp. Gen. 440, supra. Sergeant , however, now urges that his hospitalization and the accompanying directive from the hospital commander warrant a departure from the general rule.

Paragraph M3050-1, 1 JTR, cited above, provides, inter alia, that members are entitled to travel and transportation allowances only while actually in a travel status and that they shall be deemed to be in a travel status while performing travel on public business pursuant to competent travel orders. While paragraph M3050-2 (item 4), 1 JTR, provides that "travel status" will include travel to and/or from a hospital for observation or treatment, the record includes no competent travel orders modifying the member's original orders to entitle him to the allowances claimed. All that the record includes in this regard is a July 8, 1975 memorandum to Sergeant from the hospital commanding officer indicating that he reported as a patient on June 27, 1975, he was discharged July 8, 1975, and was directed to report to the hospital commander, Elmendorf AFB, the new duty station to which his permanent change of station orders directed him to report in any event.

The authority and responsibility for regulating and ordering the travel of Air Force personnel who, while taking leave en route incident to a permanent change of station, are hospitalized but are not, upon discharge from the hospital, transferred for medical reasons from one medical treatment facility to another, is vested in the order issuing officials of the Air Force, not the Navy. See Air Force Manual 35-22, paragraph 1-4.d(3)(d) (February 12, 1971). Sergeant contends that he had planned to travel by automobile from his leave point to Sea-Tac, but, in view of his medical condition and scheduled reporting date, he and his

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dependents necessarily traveled by air. However, had the member, prior to departure from his leave point, notified either Elmendorf AFB or the appropriate Air Force Personnel Support Agency of his hospitalization and the medical difficulties attendant to traveling by automobile during the post-operative period, these authorities could have issued amendatory orders modifying the reporting date or, alternatively, furnished other appropriate instructions.

The record contains no evidence to indicate that competent Air Force authority cancelled, revoked, or otherwise modified the original permanent change of station orders to entitle Sergeant [redacted] to an additional transportation allowance for travel to Sea-Tac by other than the direct route from Offutt AFB. And, even if the Navy hospital commander had the authority to issue competent travel orders modifying the member's original orders, the hospital commander's instructions to report to the commanding officer, Elmendorf AFB hospital constitute no more than a hospital discharge, with accompanying instructions to comply with the original permanent change of station orders and to obtain a post-operative follow-up on arrival at the new duty station. Thus, the Navy hospital commander's instructions cannot be regarded as orders directing travel for medically necessary reasons. Compare B-182313, June 25, 1975. Since the member would necessarily have performed travel from his leave site, Alameda NAS, to Sea-Tac irrespective of his hospitalization and since that travel was not performed via the official route between Offutt AFB and Sea-Tac, such travel must be viewed as attributable to and necessitated by a deviation from the official route to Sea-Tac for solely personal reasons. See B-185459, April 22, 1976.

Therefore, the permanent change of station orders directing the transfer from Offutt AFB to Elmendorf AFB govern the member's entitlement to travel and transportation allowances. Under these orders, as indicated above, Sergeant [redacted] entitlement was limited to a mileage allowance for the official distance between Offutt AFB and Sea-Tac, less the cost to the Government of the transportation request utilized for the travel from San Francisco to Sea-Tac. Since Sergeant [redacted] appears to have been paid on that basis, he has received all to which he is entitled.

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Accordingly, payment on the vouchers enclosed with the submission is not authorized and they will be retained in this Office.

R.F. KELLER

| Deputy

Comptroller General  
of the United States