

116927  
**DECISION**



20118 Gibson  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D.C. 20548**

**FILE:** B-186784

**DATE:** November 24, 1981

**MATTER OF:** Sergeant First Class Herman M. Alfred  
USA, Retired

**DIGEST:** An Army member lived in motels during a period of overseas assignment and received temporary lodging allowances (TLA) for 110 days following his initial arrival at this duty station. Upon reconsideration, GAO affirms the denial of his claim for TLA for the remainder of the period of his overseas assignment absent a determination by the overseas commander that additional TLA was necessary. A request by a company commander for payment to the member is not the required determination by the overseas commander.

This action is in response to a letter from C. Brent Corell, Esq., attorney for Sergeant First Class Herman M. Alfred, USA, Retired, requesting reconsideration of our decision B-186784, February 14, 1977. In that decision, we determined that Sergeant Alfred was not entitled to additional temporary lodging allowance, absent a determination by the overseas commander that the additional allowance was necessary. For the reasons stated below, we affirm our earlier decision.

The facts are fully stated in our decision of February 14, 1977, and are only briefly restated here. During his overseas assignment, Sergeant Alfred lived in motels in the communities of Mainz and Finthen, West Germany, from August 27, 1973, to September 17, 1974. The Army paid him temporary lodging allowance for the period August 27 to December 17, 1973 (110 days), but denied it for the period December 18, 1973, to September 17, 1974. Subsequently, the disallowed portion of Sergeant Alfred's claim was forwarded to our Claims Division and was denied in the settlement issued November 6, 1975.

In our February 14, 1977 decision we concurred with the Claims Division's action disallowing the claim since temporary lodging allowance is not authorized in the absence

B-186784

of the overseas commander's approval, and the record did not contain sufficient evidence to establish that Sergeant Alfred was entitled to the lodging allowance for the disputed period.

Mr. Coreil, on behalf of Sergeant Alfred, has submitted to us a "Request for Payment" dated January 21, 1974, addressed to a finance office, and signed by Captain James R. Weaver, Commander of Headquarters and Headquarters Company, 2d Battalion, 28th Infantry Regiment. This document states: "Request that SFC Alfred receive immediate payment on the enclosed pay request. He is living on the economy and delay would cause financial hardship." Mr. Coreil indicates that this request authorized the additional lodging allowance for the period December 18, 1973, to September 17, 1974.

As we noted in our earlier decision, paragraph M-4303-2b(2) of Volume 1 of the Joint Travel Regulations (1 JTR) (Change 242, September 1, 1973) provided that the overseas commander has the sole authority to determine whether a member will or has incurred an undue financial hardship at any given time and to approve extended periods for temporary lodging allowance.

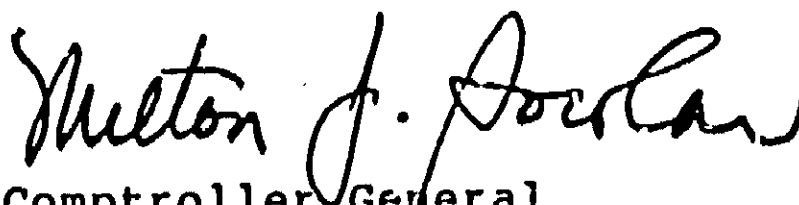
We are unable to conclude that the document submitted by Sergeant Alfred represents proper authorization of additional temporary lodging allowance. Captain Weaver's request does not approve a period of additional temporary lodging allowance in increments of 10 days or less, as required by para. M4303-2b(2), 1 JTR; in fact, no period of extension is stated. Also, we note that the memorandum does not include a tabulation of allowable expenses as is also required. Furthermore, although Captain Weaver's statement refers to an enclosed pay request, we have not been provided a copy of the enclosure.

In any event as was stated in our February 14, 1977 decision, 1 JTR, para. M4303 required that the overseas commander specifically authorize or approve extensions of temporary lodging allowance beyond the first 60 days.

B-186784

Under Army Regulation 37-106-1, para. 1-5 (April 20, 1971) and para. 1-4 (May 14, 1974) authorization or approval of such extensions was to be done by specified overseas commanders. Those commanders ranked at least as installation commanders or their equivalent. Captain Weaver was not such a commander and, thus, did not have the authority to approve payment of the allowances claimed by Sergeant Alfred.

Accordingly, we find no grounds warranting reversal of our decision of February 14, 1977, and, therefore, it is affirmed.

*for*   
Comptroller General  
of the United States