

Mosher
M.P.

DECISION



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

04632

FILE: B-189594 **DATE:** December 29, 1977

MATTER OF: Department of Defense Per Diem, Travel
and Transportation Allowance Committee
Control No. 77-19

DIGEST: Where a member is assigned to temporary duty and the temporary duty station becomes his permanent duty station, or where a member is assigned to a vessel and while the vessel is deployed from the home port the home port of the vessel is changed, the member's round-trip travel to the old permanent station or old home port should be considered travel incident to the permanent change of station. Therefore round-trip travel of the member to the former permanent station or home port may be performed at Government expense.

This action is in response to a letter from the Acting Assistant Secretary of the Air Force (Manpower and Reserve Affairs) requesting a decision as to whether Volume 1 of the Joint Travel Regulations (1 JTR) may be amended to authorize travel entitlements from a member's new permanent station to his former permanent station and return in the circumstances described. The request was forwarded to this Office by letter dated June 11, 1977, from the Per Diem, Travel and Transportation Allowance Committee (PDTATAC Control Number 77-19).

The submission cites our decisions B-169392, October 28, 1976, and B-167022, July 12, 1976, in which it was determined that an employee on temporary duty who received notice that his temporary duty station had been changed to become his new permanent station may be reimbursed for round-trip travel expenses from the new permanent station to the old permanent station for purposes of relocating his family to the new permanent duty station. In order to keep military and civilian travel allowances as nearly alike as possible, it is proposed to amend Volume 1 of the JTR to authorize travel entitlements to military members in circumstances similar to those set forth in those decisions.

In the July 12, 1976 decision we specifically departed from a longstanding rule set forth in B-167022, July 26, 1971, and B-167022, June 18, 1969, under which an employee was not entitled

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to be returned to his former permanent duty station at Government expense for the purpose of relocating his family or movement of a privately owned vehicle when, while on temporary duty, his temporary duty station was changed to become his new permanent duty station. Now employees are allowed round-trip travel between the new duty station and old duty station after such a transfer for the purpose of arranging the movement of family and household goods and assisting in other matters incident to the relocation.

The three cited decisions under file number B-167022 involve employees of the National Oceanic and Atmospheric Administration (NOAA) and its predecessor agency, the Environmental Science Services Administration, who were stationed aboard a sea-going vessel in circumstances not unlike members of the Navy or Coast Guard who serve aboard ship. We are informed that serving aboard the NOAA ship DISCOVERER at the time of our decision B-167022 of July 12, 1976, there were members of the NOAA commissioned corps who were members of the uniformed services and other crew members who were civilian employees apparently paid under the authority of 5 U.S.C. 5342. However, those decisions were concerned only with the civilian employee members of the vessel's crew and not with members of the NOAA commissioned corps who are by statute members of the uniformed services. See 37 U.S.C. 101(3) (1970) and the act of December 31, 1970, Public Law 621, 84 Stat. 1863, 33 U.S.C. 857-1, et seq.

The question presented is whether a rule similar to that stated in B-167022, July 12, 1976, may be applied to members of the uniformed services.

The theory upon which that decision was based is stated as follows:

"* * * We do not believe it was intended that employees be so restricted in availing themselves of the relocation allowances granted them by Congress for the express purpose of alleviating the burdens that are involved in uprooting a family and relocating it to a different geographic area. * * *"

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While allowances for members of the uniformed services upon transfer do not cover the broad range of items allowable in the case of a civilian employee's transfer, it is considered that the Government nevertheless has an obligation to defray the cost of travel and transportation for members of the uniformed services, as well as civilians, where the travel is performed as a direct result of a change of the member's permanent duty station. Where a member is ordered on temporary duty away from his permanent station or is assigned to a vessel which is deployed away from the home port, such assignments are for the purpose of carrying out the Government's business and the member generally has no choice about the assignment or deployment of the vessel. Therefore, if while so assigned or so deployed, the member should receive orders for permanent duty at the temporary duty station or the vessel is assigned a new home port, the member may be reimbursed round-trip travel to the old permanent station or old home port for the purpose of arranging for relocation of his family and effects resulting from the permanent change of station. The rationale for the travel and transportation entitlements as authorized by the Congress was that members should not be required to expend personal funds for travel and transportation which results from a permanent change of station.

Accordingly, we would have no objection to amending 1 JTR to permit round-trip travel of a member with or without dependents to the old permanent station or home port at Government expense in such situations. This determination does not alter the long-established rule that when a member is directed to report for permanent duty at the temporary duty station, his right to per diem terminates beginning on the date of receipt of such permanent change-of-station orders because he is not traveling away from his designated post of duty. 38 Comp. Gen. 697 (1959). See also, 34 Comp. Gen. 427 (1955). Per diem may, however, be authorized for the period of his travel to and from the old permanent station or old home port.


Acting Comptroller General
of the United States