

**DECISION****DIGEST - L - MIL**  
**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548**705**

FILE: B-194938

DATE: October 26, 1979

MATTER OF: Major General , USAR

**DIGEST:** A Reserve officer ordered to active duty training (ADT) with a reporting date of 8 a.m., October 16, 1978, travels by air on October 15 to Washington, D.C., and completes his duty assignment by 6:30 p.m. on October 16. Using the directives of the DODPM, constructive travel by air from Washington, D.C., to St. Louis could have been completed before 12 p.m. on October 16, 1978. He is not entitled to an additional day of active duty pay and allowances for October 17 for return travel to his home.

The issue presented here is whether a Reserve officer ordered to active duty for training (ADT) who travels to and from his ADT station by air is authorized an additional day of active duty pay for travel upon being released from ADT where return travel could be completed on the same day as completion of ADT. The answer is no.

The question was presented upon a request from the Finance and Accounting Officer at the Reserve Components Personnel and Administration Center, Department of the Army, St. Louis, Missouri, and has been assigned submission number DO-A-1320 by the Department of Defense Military Pay and Allowance Committee.

Major General , a member of the United States Army Reserve, was given verbal orders to ADT in Washington, D.C., with a reporting date of no later than 8 a.m., October 16, 1978. He began his travel on October 15, 1978, from Chicago, Illinois, arriving in Washington, D.C., at 4 p.m. the same day. He completed his assignment at 6:30 p.m., October 16, 1978, but did not leave Washington, D.C., until 7:10 a.m., October 17, 1978. He arrived home at St. Louis at 9:15 a.m. the same day. Written orders were issued on October 19, 1978, at his request for 2 days' ADT plus allowable traveltimes. Based on General signed statement that he completed his assignment at 6:30 p.m. on October 16, 1978, his orders were amended to read 1 day ADT.

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While in Washington, D.C., General \_\_\_\_\_ lodged at the Fort Meyer BOQ and his duty was performed at The Pentagon. Using the 6:30 p.m. completion time of ADT on October 16, 1978, constructive travelttime was calculated using TWA Flight #431 which departed Washington National Airport at 9:45 p.m. and arrived in St. Louis at 10:39 p.m. This flight had 81 vacant seats on October 16, 1978, and, therefore could have been used by General \_\_\_\_\_. General \_\_\_\_\_ was paid pay and allowances and per diem for October 15, and 16. His claim for an additional day's pay and allowances for October 17, 1978, was disallowed.

In denying General \_\_\_\_\_ claim for the extra day of active duty for purposes of travel, the Army Finance and Accounting Officer has cited Section E of the Department of Defense Pay Manual (DODPM) and Rule 11, Table 1-2-4, pointing out that General \_\_\_\_\_ would not have been required to travel between 12 p.m. and 6 a.m. and he still would have been able to travel to his home on the same day that he completed his ADT.

Under 37 U.S.C. 204(a) and 1004 (1976), a member on active duty who is entitled to pay and allowances for a continuous period of less than 1 month is entitled to his pay and allowances for each day of that period at the rate of 1/30 of the monthly amount of his pay and allowances. The DODPM provides the applicable statutory regulations for Reserve members' entitlement to pay and allowances. Section E, chapter 2, Part One of DODPM, provides the authority for allowable travelttime for Reserve members on call to or release from active duty.

Table 1-2-1, Rule 8, DODPM (change 52, June 6, 1978), provides that where a Reserve member is called to active duty, pay and allowances begin on the date the member "Complies with active duty orders." Table 1-2-3, Rule 10, DODPM (change 40, November 18, 1975), provides that pay and allowances for such a member are authorized through the date of allowable travelttime "after release" from active duty. Table 1-2-4, Rule 11, DODPM (change 42, May 4, 1976), provided that the allowable travelttime for such a member who has been called to active duty for less than 30 days, where air transportation is reasonably available, is computed on the basis of air transportation, using actual commercial air schedules, and including the actual estimated time to travel to and from air terminals. Notes 1 and 4 of Table 1-2-4 provide that travel is not expected to start or end between midnight and 6 a.m. and

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travel days will not exceed the computed traveltimes. In the computation of traveltimes, note 4 of Table 1-2-4 further directs upon release from active duty the use of the earliest existing commercial schedules which would permit the member's arrival home by the fastest available means, without regard to actual performance of travel.

Generally, active duty pay and allowances commence with the date on which the member is required to leave the place from which ordered to training duty by the means of transportation authorized and used in order to reach the place of training duty by the shortest usually traveled route, and end with the date on which he could have reached his home by that route after detachment.

In B-148268, V June 1, 1962, to which the Finance and Accounting Officer refers, the decision allowed a day's traveltimes following release from ADT. However, in that case, although air travel was authorized, the members drove their own automobiles, thus requiring the extra day's traveltimes. In this case General Turkal actually used air transportation and his constructive traveltimes was computed on that basis.

General certified that he concluded his duty at 6:30 p.m. on October 16, 1978, and his traveltimes was computed on that basis. Therefore, under the above-cited provisions of the DODPM he was not entitled to be paid for an additional day of active duty for October 17, 1978. The fact that he chose to remain overnight in Washington, D.C., and to return home the following morning on October 17, 1978, did not increase his entitlement to active duty pay for an additional day.

Accordingly, payment on the voucher submitted for pay and allowances for October 17, 1978, is not authorized and it will be retained here.

*Shelton J. Acosta*  
For the Comptroller General  
of the United States