

13749 PLM-11  
Mr. Riedinger

**DECISION**



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

FILE: B-195570

DATE: May 15, 1980

MATTER OF: Chief Petty Officer Richard D. Henry, USCG

**DIGEST:** A Coast Guard member with dependents was transferred from a permanent duty assignment in Texas to a restricted station in Alaska and moved dependents to a designated location in Alaska. He indicates that he understood that he would receive a follow-on assignment to an accompanied tour in Alaska but this was not noted in his orders. The conditions under which station allowances for dependents may be authorized in this type of situation are strictly controlled by regulation. Since dependents were not authorized to travel to Alaska as a designated location in the member's orders and since he did not have time remaining on his enlistment to permit the follow-on assignment the regulations have not been complied with and the station allowances may not be paid.

This action is in response to a letter dated November 20, 1979 (file reference G-FPS-5/TP52), with enclosures, from the Authorized Certifying Officer, United States Coast Guard, Washington, D.C., forwarding the request for decision of the Seventeenth Coast Guard District Certifying Officer regarding the [entitlement of ~~Chief Petty Officer Richard D. Henry, USCG~~, to receive payment of Alaskan housing and cost-of-living allowances] (station allowances).

*Military Member*

The record shows that Petty Officer Henry was transferred from the United States Coast Guard Station, Point Isabel, Texas, to the United States Coast Guard LORAN Station, Port Clarence, Alaska, by permanent change-of-station orders dated December 8, 1978. It is reported that since the Port Clarence station was restricted, he chose to relocate his family to Anchorage, Alaska, as a designated location for the purpose of receiving station allowances under authority of paragraph M4305-4 of Volume 1 of the Joint Travel Regulations (JTR). His dependents arrived in Anchorage, Alaska, on January 1, 1979, and he reported for duty at Port Clarence on March 12, 1979.

010385 112316

B-195570

Following his arrival at Port Clarence, Petty Officer Henry made claim for station allowances on behalf of his dependents on the basis that he supposedly had been advised by competent authority that immediately following his restricted station tour, he would be reassigned to permanent duty at the United States Coast Guard Communication Station, Kodiak, Alaska, and serve an accompanied tour. Paragraph M7005-2, item 5, of 1 JTR (change 301, March 1, 1978) then in effect would be the authority for paying this allowance if all conditions have been met. The submission points out that his original orders assigning him to Port Clarence made no mention of any follow-on permanent duty station. However, in response to his claim, a message dated April 17, 1979, was sent by the Port Clarence command to Headquarters, United States Coast Guard, seeking verification of a follow-on accompanied permanent duty assignment overseas. By reply dated April 25, 1979, Headquarters, United States Coast Guard, confirmed the follow-on permanent duty assignment to Kodiak upon completion of the Port Clarence tour of duty and authorized station allowances.

The submission points out that under the provisions of paragraph M7005-4, item 5 (paragraph M7005-2, item 5, at the time in question) in order for a member to take advantage of that benefit, he must have sufficient time remaining in his obligated enlistment tour to complete both the restricted and the subsequent accompanied permanent duty assignment. It is also pointed out that Coast Guard Personnel Manual CG-207 lists the permanent duty tour for LORAN Station, Port Clarence, as 12 months and for the Communication Station, Kodiak, as 24 months. Apparently, at the time the member reported for duty at LORAN Station, he had but a little more than 2 years remaining on his current obligated tour of duty and would have had to extend it an additional year in order to permit completion of both assignments.

Based on the foregoing, we are asked to determine whether these allowances may be paid Petty Officer Henry and, if so, when the payment of the allowances should begin.

B-195570

Paragraph M7005-2, item 5 (change 301) provided that when a member is transferred by permanent change of station to a restricted station and his old permanent station is located within the United States, transportation of dependents is authorized to--

"the duty station outside the United States to which permanent change-of-station orders state that the member concerned is scheduled to be assigned to serve an accompanied tour of duty immediately following completion of the restricted tour providing the member has sufficient obligated military service to complete the restricted tour and accompanied tours of duty."

In this regard, paragraph M4305, 1 JTR (changes 301 and 303) provides in part:

"1. GENERAL. \* \* \* A member who is reassigned from a permanent duty station in the United States to a permanent duty station in a restricted area outside the United States is not entitled to station allowances on behalf of his dependents when the dependents move to a designated place outside the United States (49 Comp. Gen. 548), except \* \* \*.

\* \* \* \* \*

"4. \* \* \* When dependents move to a designated place outside the United States in accordance with the provisions of par. M7005-2, item 5 \* \* \* the member may receive station allowances, applicable to the designated place, as a member with dependents, provided the claim for such allowances is supported by a copy of the dependent travel authorization and a statement of the member that the dependents have actually established a residence at that designated place (56 Comp. Gen. 525)."

B-195570

The decision cited in paragraph M4305-4 (56 Comp. Gen. 525) first authorized payment of station allowances in these circumstances. Previously it had been held that members could not be paid these allowances when their dependents moved to Alaska, Hawaii, or another location outside the continental United States as a designated location in connection with the member's assignment from the continental United States to a restricted station overseas. The reason was that the dependents were not considered to be in the location where station allowances could be paid as a result of the member's assignment but as a matter of personal choice. However, when the situation was presented in which the member's next duty assignment was to be in the area to which his dependents moved, the move to that area at the time the member began serving his restricted tour was deemed to be incident to the member's assignment.

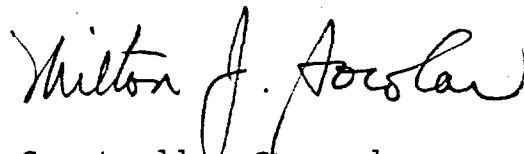
We found that current regulations did not permit payment in the circumstances but we authorized the Secretaries concerned to issue appropriate regulations. In order to insure that station allowances were paid only when warranted in this type of case we said that payment could only be made under "carefully drawn regulations" permitting payment if the dependents moved to the area where station allowances were payable "in reliance on a properly issued official determination that the member will be reassigned, immediately following completion of the restricted tour, to the locale to which the dependents moved."

In this case the orders assigning the member to a restricted station in Alaska make no mention of the member's next duty station or of his dependents' travel. Further, there is no indication in the record that this was firmly intended by authorities in the Coast Guard who could make such a determination prior to the time the dependents moved. We have only the order issued some months after travel was performed which purports to authorize payment of the allowances. Even that order was insufficient because the member did not have enough time remaining on his enlistment to support the follow-on assignment in Alaska.

B-195570

In the circumstances payment of station allowances may not be authorized by us. We advised that station allowances should be paid in this type of case only on the basis of carefully drawn regulations requiring an official determination of the follow-on assignment prior to the movement of the dependents to the designated location where station allowances were payable. Here the dependents moved on the basis of informal advice that the member would have a follow-on tour in Alaska at a time when he did not even qualify for such assignment.

Accordingly, housing and cost-of-living allowances may not be allowed while Petty Officer Henry's dependents are residing in Alaska incident to his assignment to a restricted station.

A handwritten signature in cursive script, reading "Milton J. Fowler".

Acting Comptroller General  
of the United States