

DECISION



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

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FILE: B-212043

DATE: November 28, 1983

MATTER OF: Captain Thomas D. Slagle, USAF

DIGEST: A member under permanent change-of-station orders traveled concurrently with his wife, who was traveling under separation orders. He is not entitled to dependent transportation allowance on account of his wife as his dependent since she was paid travel and transportation expenses to her home of record in connection with her separation from active service in the Air Force. However, he may be paid a dislocation allowance at the with-dependent rate on account of his wife since she is considered his dependent on the effective date of his transfer.

This action responds to a request for an advance decision concerning the claim of Captain Thomas D. Slagle, USAF, for dependent travel and dependent dislocation allowance on account of his wife who was separated from the Air Force at the time of his permanent change of station.¹ We find that Captain Slagle is not entitled to dependent transportation, but he may be paid a dislocation allowance at the with-dependent rate.

Captain Slagle and his wife Jacqueline, formerly an Air Force sergeant, traveled together from Clark Air Force Base, Republic of the Philippines (where it appears they were both stationed and resided as one household) to Minot, North Dakota, where they would reside together. His travel was performed under permanent change-of-station orders, effective June 26, 1982. Her travel was performed in connection with her separation from the service, effective June 7, 1982. Minot, North Dakota, was Mrs. Slagle's home of record. Their travel commenced on June 4 and terminated on June 12, 1982. He reported at Minot Air Force Base on June 30, 1982.

¹ The request for advance decision was submitted by the Chief of the Accounting and Finance Branch at Minot Air Force Base, North Dakota. The request was approved by the Per Diem, Travel and Transportation Allowance Committee and assigned control number 83-14.

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The record shows that Jacqueline Slagle was paid travel and transportation allowances to Minot as her home of record. Captain Slagle was paid travel and transportation allowances to Minot on the basis of his travel only and was paid a dislocation allowance at the without-dependent rate.

In connection with their travel to Minot, Captain Slagle now claims dependent travel expenses and the difference between the without-dependent and with-dependent rate dislocation allowance, based on his wife as his dependent. He contends that his wife became his dependent, for the purpose of entitlement to transportation expenses, on June 7, 1982, the date she was separated from the Air Force.

Travel and transportation entitlements of military members are set forth in chapter 7 of title 37, United States Code. Under the provisions of 37 U.S.C. § 406 and the implementing regulations, a member of a uniformed service who travels pursuant to permanent change-of-station orders is entitled to transportation of his dependents and household goods. Statutory regulations which implement 37 U.S.C. § 406 are found in chapter 7 of the Joint Travel Regulations (JTR), Volume 1. Under paragraph M7000-11 of that chapter, dependent transportation does not include the travel expenses of "dependents" who are, in their own right, in receipt of any other kind of travel allowance from the Government.

When a member is separated from the service, that member is entitled to travel and transportation allowances for travel actually performed under separation orders, from the last duty station to the member's home or the place from which he or she was called to active duty. 37 U.S.C. § 404(a), 1 JTR, paragraph M4157 (change 352, in effect at the time involved).

As members of the Air Force, both Captain and Mrs. Slagle were each entitled to and were paid, travel expenses from Clark Air Force Base to Minot. Since her travel expenses were paid by the Government, payment to Captain Slagle for dependent travel would result in dual payment for the same purpose, on behalf of the same individual. See, Matter of McDonald, 60 Comp. Gen. 154 (1981). Therefore, even though Mrs. Slagle had been

separated from the service, Captain Slagle may not claim Mrs. Slagle as his dependent for the purpose of dependent transportation in connection with the subject travel.

Payment of a dislocation allowance is authorized when a member's dependents make an authorized move in connection with a permanent change of station or where a member without dependents makes a change of permanent station and is not assigned to Government quarters. 37 U.S.C. § 407, 1 JTR, chapter 9. The purpose of the dislocation allowance is to provide the member partial reimbursement for incidental expenses normally incurred in connection with the relocation of his household upon a permanent change of station. 1 JTR, paragraph M9000; Matter of Dislocation Allowance, 56 Comp. Gen. 46, 48 (1976); 54 Comp. Gen. 665, 668 (1975).

Concerning payment of the dislocation allowance at the with-dependent rate, we note that under the provisions of the Joint Travel Regulations, a member who, in connection with a permanent change of station, is not entitled to transportation of dependents under 1 JTR, paragraph M7000, is considered a member without dependents. 1 JTR, paragraph M9001-2.2.

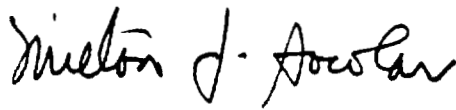
While this regulation is designed to preclude an increased allowance for a member when both family members are in a uniformed service, we do not view it as applicable in the circumstances of this case. Mrs. Slagle was separated from the service on June 7, 1982. At that time she became a civilian and the dependent of Captain Slagle for the purpose of the laws applicable to members of the uniformed services. She may not be paid for travel to Minot as his dependent because the cost of her travel was fully paid incident to her separation. However, if upon separation she had not been entitled to payment for that travel in her own right the cost would have been allowable incident to his transfer to the extent it was performed after her discharge.

In this regard paragraph M9003 provides that a member with dependents is entitled to a dislocation allowance whenever his dependents relocate their household in connection with a permanent change of station.

That paragraph also provides that actual transportation of dependents at Government expense is not a prerequisite to dislocation allowance of a member with dependents.

Since Mrs. Slagle was no longer in an active duty status at the time they arrived at the new station and they did relocate their household incident to Captain Slagle's orders, it is our view that he is entitled to a dislocation allowance at the with dependent rate. Compare 53 Comp. Gen. 289 (1973).

Thus, we conclude that Captain Slagle is not entitled to the claimed dependent travel on account of his wife's travel, but he may be paid a dislocation allowance at the with-dependent rate in connection with his change of station.

for 
Comptroller General
of the United States