

**DECISION**

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

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**FILE:** B-215269**DATE:** September 25, 1984**MATTER OF:** Private Vincent A. Manaois**DIGEST:**

A service member on emergency leave who was not advised that he was authorized to travel on Government transportation in connection with his leave obtained transportation at his own expense. Travel allowances are not payable for the costs of the travel performed or necessitated solely by reason of leave, since such travel is considered as performed for personal reasons, rather than on public business, and although an Army regulation authorizes military air transportation in kind, there is no entitlement to commercial air transportation.

A service member on emergency leave was not informed prior to departure that he could be authorized Government transportation in connection with his leave and obtained transportation at his own expense. We are asked whether he may be reimbursed for his purchase of an airline ticket where travel was performed prior to the issuance of leave orders.<sup>1/</sup> Members on emergency leave are authorized to travel on military-owned or controlled aircraft on a space-required basis, but travel allowances are not payable for travel on leave by commercial carrier since such travel is performed for personal reasons rather than on public business.

Private Vincent A. Manaois departed from Fort Bragg, North Carolina, on emergency leave on December 5, 1983. He was not given proper assistance or guidance prior to leaving because an inexperienced service member was on duty at the

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<sup>1/</sup> Major D. C. Clagett, Jr., Finance Officer, Fort Bragg, North Carolina, submitted this request for a decision and it has been assigned PDTATAC control number 84-10 by the Per Diem, Travel and Transportation Allowance Committee.

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time of his departure. Emergency leave orders were not issued for him nor was he informed that he could be authorized military transportation from California to his destination in Hawaii. Further, he was informed that he would have to obtain transportation to his leave address at his own expense. Thereafter, he purchased an airline ticket from San Francisco, California, to Honolulu, Hawaii.

While in Hawaii Private Manaois was assisted in obtaining leave orders and return transportation to Fort Bragg. Orders were issued by the Commander, United States Army Support Command, Hawaii, dated December 19, 1983, authorizing 22 days emergency leave effective December 6, 1983, and directing travel by military-owned or controlled aircraft from Honolulu, Hawaii, to Los Angeles, California. Private Manaois claims reimbursement for transportation expenses to Hawaii since he could have been authorized to travel by Government transportation if he had been given correct information prior to his departure on leave.

The applicable Army Regulation (AR) provides in pertinent part:

"Transportation for service members on emergency leave is authorized at Government expense via military-owned or controlled aircraft, on a space-required basis, from the port of embarkation in the area of the member's duty station to the port of debarkation in the area where the emergency exists, and return when required, and between overseas areas." AR 630-5, paragraph 6-10a (change 3, May 15, 1979).

See also Department of Defense Regulation 4513.13-R, January 1980, paragraph 3-3b(3).

Under regulations prescribed by the Secretaries concerned, a member of a uniformed service is entitled to travel and transportation allowances for travel under orders, upon permanent change of station or otherwise, or when away from his designated duty station. 37 U.S.C. § 404. Joint Travel Regulations, Volume 1 (1 JTR), paragraph M3050-1, issued pursuant to this authority, provides that members are entitled to these allowances only while

actually in a travel status and they shall be deemed to be in a travel status while performing travel away from their permanent duty station on public business, pursuant to competent travel orders. And paragraph M6454, 1 JTR, expressly provides that expenses incurred during periods of travel under orders not involving public business are not payable by the Government. Further, paragraph M6453, 1 JTR, provides that an order permitting a member to travel as distinguished from directing a member to travel does not entitle him to expenses of travel.

It is well established that travel allowances are for the purpose of reimbursing members for expenses incurred in complying with the travel requirements imposed on them by the bona fide needs of the service and are not intended to compensate members for the costs of travel necessitated by solely personal considerations. Similarly, travel allowances are not payable for travel performed or necessitated solely by reason of leave, since such travel is considered as performed for personal reasons rather than on public business. 49 Comp. Gen. 663, 666 (1970); and 54 Comp. Gen. 641, 643 (1975).

In a similar case we held that an Army member who was prevented from using Government aircraft for travel on emergency leave because his orders were incorrectly issued could not be reimbursed the cost he paid for commercial travel. In that case, we noted that the enabling regulation created only an eligibility for military air transportation in kind and not an entitlement to reimbursement for air transportation in general. See Staff Sergeant John Osterman, USA, B-205455, September 23, 1982.

Although Army Regulation 630-5 as quoted above authorizes air transportation at "Government expense" it also provides that Government expense refers to the amount which the sponsoring command is required to pay Military Airlift Command for space required travel. We have not viewed this internal financing of Government furnished air travel as being prohibited under the rule discussed and have uniformly applied the rule against payment of travel cost involved in leave taken by a member of the uniformed services.

Private Manaois traveled under verbal or permissive orders on emergency leave which is not considered on public

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business. Subsequent orders merely created an eligibility for military transportation in kind and did not authorize payment for the cost of a commercial carrier. Staff Sergeant John Osterman, USA, B-205455, supra. Although Private Manaois was not informed of his entitlement to Government transportation by military aircraft from San Francisco to Honolulu, there is no authority in the statutes or the regulations authorizing a travel allowance to reimburse him for expense of commercial airline travel.<sup>2/</sup>

*for Milton D. Fowler*  
Comptroller General  
of the United States

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<sup>2/</sup> We note that round-trip commercial transportation for a member assigned to a permanent duty station outside the United States may be provided to the United States, Alaska, Hawaii, Puerto Rico, or possessions of the United States, incident to emergency leave granted for reasons of personal emergency. 1 JTR, paragraph M5800-1; 37 U.S.C. § 211d. However, that travel is specifically authorized by law and no similar authorization exists for members assigned to duty stations in the United States.