



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Overseas Station Allowances--Dependents at a Designated Place When the Service Member is Transferred to a Restricted Place of Duty

File: B-230459

Date: January 3, 1989

DIGEST

The Joint Federal Travel Regulations may be changed to allow the payment of station allowances for service members' dependents who are moved to a designated place outside of the continental United States in Alaska, Hawaii, Puerto Rico, or in any territory or possession of the United States when the service members are transferred from their duty stations inside the continental United States to a restricted area in the same circumstances that would allow payment of the dependents' transportation to the place upon the authorization or approval of the Service Secretary concerned. 49 Comp. Gen. 548 (1970) and Lieutenant Colonel Charles D. Robinson, 56 Comp. Gen. 525 (1977), are modified.

DECISION

The question in this case is whether the Joint Federal Travel Regulations may be amended to allow the unrestricted payment of station allowances at the uniformed service member's designated place for his dependents outside of the continental United States in Alaska, Hawaii, Puerto Rico, or in any territory or possession of the United States. The question arises only when the service member elects to move his dependents there from the member's old duty station inside the continental United States incident to his transfer to a new duty station in a restricted area to which his dependents are not allowed to travel at government expense.^{1/} We conclude that the regulations may be amended to allow the payment of station allowances at the designated

^{1/} This responds to a request for a decision received from the Per Diem, Travel and Transportation Allowance Committee, dated February 19, 1988.

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place provided the Secretary of the service concerned (or his designee) has approved the dependents' transportation to that place.

BACKGROUND

Station allowances are paid to a service member who is on duty outside the United States or in Hawaii or Alaska. 37 U.S.C. § 405 (Supp. IV 1986). This amount is additional to a service member's regular pay and allowances and is authorized to defray the excess costs experienced by service members on permanent duty at places outside the continental United States. The usual situation in which station allowances are paid occurs when the service member is transferred overseas and his dependents accompany him there at government expense as a result of the transfer. In that situation there is an obvious connection between the service member who is on duty overseas, his duty assignment, the presence of his dependents overseas in the vicinity of his duty station, and the payment of station allowances for them.

When a service member is outside of the continental United States with his dependents and properly receiving station allowances, he is sometimes transferred from that duty station to a new duty station in a restricted area to which his dependents may not accompany him. At that time the service member may select a designated place anywhere in the continental United States to which to move his dependents. Upon the authorization or approval of the Service Secretary involved, he may also select a designated place in Alaska, Hawaii, Puerto Rico, or any territory or possession of the United States. The service member's dependents are then transported at government expense to the designated place. See Joint Federal Travel Regulations, vol. 1, para. U5222-D. The Per Diem, Travel and Transportation Allowance Committee correctly points out that this is in recognition of the fact that the dependents need a suitable place to live while the service member serves a tour of duty at a restricted place where dependents are not allowed.

The regulations implementing 37 U.S.C. § 405 have long allowed the continuation of station allowances if the dependents continue to reside in the vicinity of the old duty station after the service member moves to his restricted new duty station. They also allow the continuation of station allowances in such a case if instead of remaining at the old station, the dependents are moved to any other designated place which qualifies for station allowances. We approved the continuation of the station allowances in these situations where the member's new assignment is to a restricted area overseas by viewing the

situation ". . . as if the member had continued on duty at his old permanent station overseas." We held that ". . . the dependents were residing outside the United States in a military dependent status because of the member's duty assignment and not because they elected to establish a residence there for personal reasons." 49 Comp. Gen. 548, 550 (1970).

When a service member is inside the continental United States (and thus not entitled to receive station allowances) but is then transferred to a new duty station in a restricted area, his dependents may still be transported at government expense to a designated place anywhere in the continental United States, or upon the authorization or approval of the Service Secretary involved, to Alaska, Hawaii, Puerto Rico, or any territory or possession of the United States. However, we have held that if that designated place for the dependents is outside of the continental United States, that selection would normally be purely a matter of personal preference and not sufficiently connected with any duty assignment to support the payment of station allowances at the designated place. 49 Comp. Gen. 548, supra. It is this part of the holding in 49 Comp. Gen. 548 that the Per Diem Committee wants reconsidered.

The Committee argues that since all dependent moves to designated places are matters of personal choice, regardless of the location of the old duty station, and since all are occasioned by a governmental act of reassigning service members to restricted areas, there is no clear basis for treating them differently regarding the payment of station allowances. The Committee states that the distinction is especially difficult to understand when the dependents are residents of Alaska, Hawaii, Puerto Rico, or any territory or possession of the United States, and one of those places is chosen as the designated place.

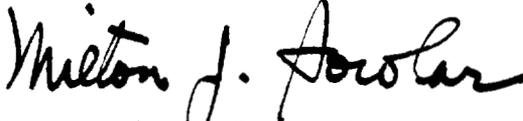
ANALYSIS AND CONCLUSIONS

In the past, our decisions authorizing station allowances at a designated place have turned on the sufficiency of the connection between the service member's duty assignment and the dependents' location at the designated place, regardless of whether the service member's old duty station was inside or outside the continental United States. See Lieutenant Colonel Charles D. Robinson, USMC, 56 Comp. Gen. 525 (1977). However, another factor that is nearly always involved in our cases concerning the payment of station allowances at a designated place, which is not usually an issue, is the entitlement to payment of the dependents' transportation

to the designated place. A different statute, 37 U.S.C. § 406(e) (Supp. IV 1986), than the one that provides for station allowances provides the transportation entitlement. Subparagraph U5222-D, supra, implements the statute and provides entitlement to transportation to Alaska, Hawaii, Puerto Rico, or any territory or possession of the United States only upon authorization or approval of the Service Secretary concerned--as distinguished from unrestricted transportation entitlement to anywhere in the continental United States. This authorization or approval requirement for transportation applies regardless of whether the old duty station is inside or outside the continental United States.

Upon further reflection, there appears to be no reason why there should be a different standard for the entitlement to payment of dependents' transportation to a designated place from the standard for the entitlement to payment of station allowances at the designated place. In this regard, we believe that a sufficient connection exists between the service member's duty assignment and the dependents' location at the designated place where a Service Secretary has authorized or approved transportation of the dependents to the designated place.

Therefore, the Joint Federal Travel Regulations may be amended so that dependents' station allowances at the designated place may be paid if the Secretary concerned (or his designee) approves the dependents' transportation to that place. 49 Comp. Gen. 548, supra, and Lieutenant Colonel Charles D. Robinson, USMC, 56 Comp. Gen. 525, supra, are modified accordingly.

for 
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