



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Evacuation Allowances

File: B-248153

Date: October 14, 1992

DIGEST

The homeport of a Navy ship changed from the Philippines to San Diego, California. Dependents of the crewmembers were allowed to remain in the Philippines with logistical support for 8 weeks. During that time, dependents were evacuated due to the eruption of Mount Pinatubo. Evacuation allowances may be paid to the members for their command sponsored dependents because the Philippines remained, for purposes of evacuation allowances for dependents, the homeport notwithstanding issuance of notification of homeport change.

DECISION

This in response to a request by the Per Diem, Travel and Transportation Allowance Committee for an advance decision regarding payment of evacuation allowances for the dependents of the crew of the U.S.S. Sterett. For the reasons presented below, evacuation allowances are payable for command-sponsored dependents who are otherwise entitled to them.

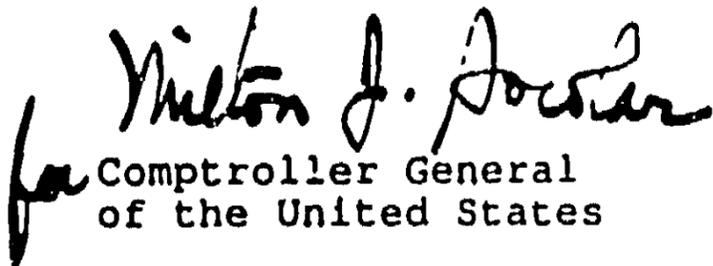
On May 15, 1991, the homeport of the U.S.S. Sterett was changed from Subic Bay, Republic of the Philippines to San Diego, California. The ship was scheduled to arrive in San Diego on June 4, 1991. All but 13 crewmembers received Certificates of Homeport Change for travel and transportation allowances for relocation, which are required by Navy regulation in order for dependents to travel to the new homeport of the ship at government expense. The other 13 received Permanent Change of Station (PCS) orders rather than Certificates since they would be separating from the ship between June and December. Dependents of the crewmembers were given permission to remain in the Philippines with logistical support until July 10, 1991, so that their sponsors could locate homes for them in the San Diego area or elsewhere. When Mount Pinatubo erupted, the evacuation of dependents to San Diego was authorized on June 9, 1991.

Evacuation allowances are provided for in 37 U.S.C. § 405a. To qualify for the allowances, the statute contemplates that the dependents be present at or in the vicinity of the member's duty station when ordered to evacuate to a safe haven. Since the ships' homeport had been changed, technically the dependents were no longer at the member's permanent station. As a result the Committee asks whether the dependents of the crewmembers of the U.S.S. Sterett were entitled to evacuation allowances when they were evacuated. For the following reasons the allowances may be paid.

Homeport change was the subject of our decision Allowances on Homeport Change, 65 Comp. Gen. 888 (1986). As we noted in that decision, permanent duty station of a member assigned to a vessel is the vessel itself, while the homeport of the vessel is regarded as the duty station for administrative convenience in determining the travel and transportation entitlements and overseas station allowances of the member's dependents. We concluded that since the use of the homeport for purposes of dependent allowances is a matter of administrative discretion, it may be applied with some flexibility.

In this case, we believe the Navy may properly conclude, as a matter of administrative discretion, that Subic Bay remained the applicable duty station with respect to the dependents who were evacuated for the purposes of determining evacuation allowances, even though the homeport of the ship had changed to San Diego. In our view, the decision to provide logistic support for the dependents in Subic Bay through July 10 provides an adequate basis for such a conclusion.

Accordingly, it is our view that evacuation allowances may be paid for all the command sponsored dependents who were evacuated.


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