

DECISION

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

30960

FILE: B-184374

DATE: SEP 18 1975

97506

MATTER OF: Reimbursement for leave travel-Lieutenant James B.
Galloway, USN

- DIGEST:
1. Prior to taking leave while assigned to a ship at San Diego, California, member was informed that upon return from leave the ship would be at Pearl Harbor, Hawaii. After leave in San Antonio, Texas, he traveled to Travis AFB, California, and being unable to secure onward Government transportation, he went by taxi to the San Francisco airport and from there via commercial air to Honolulu, Hawaii, and by taxi to Pearl Harbor. Under paragraph M6650, 1 JTR, change 191, December 1, 1968, then in effect, member may be reimbursed for travel at personal expense from Travis AFB to Pearl Harbor.
 2. Member returning from leave to ship formerly at San Diego, California, but then at Pearl Harbor, Hawaii, was unable to secure Government transportation and traveled by first class commercial air on earliest flight available. He may be reimbursed for such travel not in excess of cost for tourist class travel in absence of indication that such travel was not available within a reasonable time.

This action is in response to a request for advance decision dated March 12, 1975, received from the Disbursing Officer, United States Naval Support Activity, Fleet Post Office, New York, New York 09521, concerning the claim of Lieutenant James B. Galloway, USN, for reimbursement for travel from Travis Air Force Base, California, to the U.S.S. Medregal at Pearl Harbor, Hawaii, in July 1969. The request for an advance decision has been assigned PDTATAC Control Number 75-19 by the Per Diem, Travel and Transportation Allowance Committee by endorsement dated June 26, 1975.

The record indicates that the member was granted ordinary leave for 11 days and departed on June 22, 1969, from his ship, U.S.S. Medregal, which was then located at San Diego, California.

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At the time of his departure, the member was aware that the vessel would be departing to the Western Pacific on or about June 25, 1969, and intended to rejoin the ship at Pearl Harbor, Hawaii.

Returning from leave at San Antonio, Texas, on July 4, 1969, the member says in a signed statement dated February 3, 1975, that he traveled by Government aircraft from Kelly Air Force Base, San Antonio, Texas, to Travis Air Force Base, California, that he intended to utilize Government air (space available) for travel to Hawaii, but that upon arrival at Travis he learned that no flights were available or scheduled. Lieutenant Galloway says that he then traveled on the "soonest" flight from San Francisco to Hawaii, purchasing a first-class ticket on United Air Lines at a cost of \$142, but that he had no receipt for the airline fare.

The Chief of Naval Personnel has confirmed that the U.S.S. Medregal was located at San Diego on June 22, 1969, and was at Pearl Harbor from July 3-11, 1969.

By claim received in this Office on June 27, 1975, the member claims reimbursement for the air fare, and for taxi fare of \$5 for travel from Travis to San Francisco International Airport, and \$2 taxi fare for travel from Honolulu International Airport to Pearl Harbor.

Doubt has been expressed as to the member's entitlement to reimbursement for the cost of transoceanic travel on the basis that the regulation in effect at that time, paragraph M6650, Volume 1 of the Joint Travel Regulations (1 JTR), did not provide for this entitlement.

Paragraph M6650, 1 JTR, change 191, December 1, 1968, provided in pertinent part that when a ship to which a member is attached changes location while the member is on authorized leave, travel allowances are payable for the excess distance between the leave point and the new location of the ship. The paragraph further provided that these provisions were applicable regardless of whether the member was notified as to the change in location of the ship prior or subsequent to his departure on leave.

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This paragraph currently provides (change 254, April 1, 1974) that it is applicable only where the member was not notified as to the change in location of the ship prior to his departure on leave or liberty (pass). Additionally, the current regulation provides for the payment of mileage allowances, and, where the new location of the ship is at a place which will require transoceanic transportation, the regulation provides for the furnishing of transportation in kind including a transportation request the cost of which will not exceed the cost for travel from the location of the ship at the time the member departed, to the new location.

From the foregoing, it appears clear that the broad language of paragraph M6650, change 191, providing for travel allowances for the excess distance between the leave point and the new location of the ship, includes such allowances for transoceanic travel and taxi fares, including reimbursement therefor. For this purpose, the travel from Travis to Pearl Harbor may be regarded as in excess of that otherwise required for return to the member's ship at San Diego.

Paragraph M2000, 1 JTR, provides that the procurement of transportation facilities shall be governed by regulations of the respective services unless otherwise provided for or restricted therein. Paragraph 2004 of the Navy Travel Instructions provides in part that when commercial air transportation is required for movement outside the continental United States, the use of the least costly accommodations is mandatory unless they are not available.

Lieutenant Galloway has indicated that he left Travis at 6 p.m. and arrived at San Francisco International Airport at 7:30 p.m. and departed from there via first class commercial air at 8 p.m. While this may have been the earliest flight available, there is no indication that tourist class travel was not available within a reasonable period of time.

In such circumstances, reimbursement for the air travel is limited to the least costly commercial accommodation which, according to tariffs available to us, was \$110.

Accordingly, Lieutenant Galloway may be reimbursed \$110 for air fare and \$7 taxi fares incident to his return to his ship from authorized leave in July 1969, in accord with paragraph M6650, 1 JTR, then in effect.

R. F. KELLER
Deputy } Comptroller General
of the United States