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DECISION

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

FILE: B-203135

DATE: October 6, 1981

MATTER OF: Master Sergeant Clyde L. Pritchett, USA, Retired

DIGEST: A retired Army member's claims for his and his dependents' travel to his home of selection after retirement may not be allowed since, considering all the facts of record, it is clear that some of the dependents did not complete the travel within the required 1-year period after the member's retirement, and it is very doubtful that the member and the other dependent completed travel during that period.

Sergeant Clyde L. Pritchett, USA, Retired, has appealed the disallowance of his claim for travel allowances for himself and his dependents for their travel to his home of selection upon his retirement from the Army. We find that Sergeant Pritchett may not be allowed the travel allowances he claims since there is serious doubt that the travel was performed within 1 year of his retirement as is required for entitlement to such travel allowances.

Generally, in order for the retired member to qualify for the payment of travel allowances for his and his dependents' travel from his last permanent duty station to the home he selects upon retirement, the travel must be performed within 1 year after the member's retirement. See 37 U.S.C. §§ 404(c) and 406(g) (1976); and the implementing regulations in Volume 1, Joint Travel Regulations (1 JTR), paragraphs M4158-2 and M7010-1.

Sergeant Pritchett was retired from the Army on July 31, 1979, at Fort Lewis, Washington. In August 1980 he filed vouchers with the Army claiming travel allowances for his and his dependents' travel to his home of selection, Mobile, Alabama. On those vouchers he indicated that his dependents completed their travel on August 4, 1980, and he completed his travel on August 5, 1980. The Army denied his claim on the basis that the travel was completed more than 1 year after his retirement. He then sent new claims to the Army indicating that the travel was completed in June 1980. The Army then considered the claims to be of doubtful validity and forwarded them to our Claims Group which disallowed them on the basis that the travel was completed more than 1 year after retirement.

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In appealing that disallowance Sergeant Pritchett now states that he left Tacoma, Washington, where his home was located, and traveled with his eldest son, Patrick, to Mobile, Alabama, in June 1980. Sergeant Pritchett has submitted copies of three cancelled checks drawn on the account of a construction company in Mobile, made payable to him or his son, and dated in July 1980, to document his and his son's employment with the construction company in Alabama during the month of July 1980.

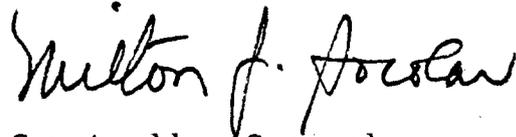
Sergeant Pritchett also now states that his wife and the other three children did not complete their travel to Mobile until August 4 or 5, 1980, because they had remained in Tacoma to complete the sale of their home. A contract to sell their home was signed on July 15, 1980. Sergeant Pritchett indicates that Mrs. Pritchett immediately notified the Army that they wished to have the household effects packed and shipped to Mobile, but because of a backlog of other moves, the Army was not able to arrange to begin packing the furniture until July 30, 1980. He indicates that Mrs. Pritchett and the other three children left Tacoma on that same day, traveled to Mobile by automobile, and arrived there on August 5, 1980.

Extension of the 1-year time period may be authorized or approved under certain circumstances by the service concerned, including in cases where an unexpected event beyond the control of the member has occurred which prevented him from moving within the time period. See 1 JTR paragraphs M4158-2d and M7010-2c; and B-126158, April 21, 1976. In Sergeant Pritchett's case apparently no extension was requested and none was granted. Should he feel that an unexpected event beyond his control prevented the travel from being performed within the 1-year period, he may present the facts of that matter to the Army and request approval of the additional time. However, as the record now stands, the 1-year time limit must be applied in his case.

It is now clear that Mrs. Pritchett and the three children with her did not complete their travel to Mobile within the 1-year period. Therefore, payment for their travel is not authorized. Also, in view of the conflicting dates Sergeant Pritchett provided as to when he and Patrick traveled, even after considering the cancelled checks provided and

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Sergeant Pritchett's latest explanation, we do not have evidence which is considered sufficient to permit payment. In such cases it is our policy to disallow the claim and leave the claimant to pursue his claim in court if he wishes. 46 Comp. Gen. 409 (1966). Accordingly, our Claims Group's disallowance of Sergeant Pritchett's claims is sustained.

A handwritten signature in cursive script that reads "Milton F. Fowler".

Acting Comptroller General
of the United States