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DECISION



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

FILE: B-189237

DATE: November 3, 1977

MATTER OF: John M. Corcoran, Jr.

DIGEST: Member who submits claim for travel in the vicinity of his permanent duty station over 1 year after the performance of such travel may be reimbursed for such travel notwithstanding an Air Force administrative regulation providing that such claims will be submitted within 1 month after transportation is procured since delay was due to misinformation as to entitlement, since the claim was approved by proper authority, and since the controlling law and statutory regulation do not provide for denial of a claim if not submitted within a specified period.

This action is in response to a request for reconsideration of Claims Division settlement of November 24, 1976, disallowing the claim of Mr. John M. Corcoran, Jr., for reimbursement of vicinity travel while he was stationed in London, England, with the United States Air Force.

The record indicates that Mr. Corcoran while assigned to the 7500th Air Base Squadron, Security Police, South Ruislip Air Station, London, England, performed vicinity travel from his duty station to 23 Gilbert Street, London and return, a round-trip distance of 30 miles, on 51 days during the period October 2, to December 27, 1969. Mr. Corcoran submitted a claim for the mileage at 10 cents per mile for a total of \$153 under date of April 30, 1971. The claim was approved as advantageous to the Government under the same day by the Chief, Security Police, 7500th Air Base Squadron. However, payment could not be made locally, since Mr. Corcoran had departed the 7500th Air Base Squadron on emergency leave on April 8, 1971. The member was released from active duty on May 7, 1971.

Sergeant Corcoran's travel claim was forwarded to the Claims Division of this Office as a doubtful claim by the Air Force Accounting and Finance Center and by settlement dated November 24, 1976, the claim was denied on the basis that paragraph 40241(a) of Air Force Manual 177-103 states that, except in unusual circumstances,

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claims involving transportation at the permanent duty station will be submitted for payment within 1 month after the transportation is procured.

In Mr. Corcoran's situation the claim was filed well over a year after the travel. The member contends that he and other members of the Security Police were never told that they were eligible for reimbursement for the travel until the time he submitted his claim.

Section 408 of Title 37, United States Code (1970), provides that a member of a uniformed service may be directed, by regulations of the head of the department or agency in which he is serving, to procure transportation necessary for conducting official business of the United States within the limits of his station and expenses so incurred by him for the use of a privately owned vehicle at a fixed rate a mile shall be defrayed by the department or agency under which he is serving, or he is entitled to be reimbursed for the expenses.

Part K, Chapter 4, Volume 1, Joint Travel Regulations (1 JTR) implementing the above law, prescribes the basis for reimbursement for travel within and adjacent to permanent and temporary duty stations. Para. M4500-1, of Part K (including change 196, dated May 1, 1969 in effect at the time of the travel) provides that when determined to be advantageous to the Government, officials designated by the service concerned may authorize in advance, or subsequently approve, reimbursement for transportation expenses, as prescribed in Part K, which are necessarily incurred by members in conducting official business in and around their duty stations.

Paragraph M4502, 1 JTR (change 196 dated May 1, 1969 in effect at the time of the travel) provided that when authorized or approved under the conditions of Part K, members who traveled by privately owned conveyance were entitled to reimbursement at a rate of 10 cents per mile for the use of a privately owned conveyance.

Air Force Manual 177-103 (change 66, September 2, 1969) provided that except in unusual circumstances, claims involving transportation at the permanent station would be submitted for payment within 1 month after the transportation is procured.

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However, neither the statute nor the controlling statutory regulation which provide regulations for reimbursement for local transportation within the limits of a member's duty station require the claim to be submitted within 1 month after the travel to obtain reimbursement. Accordingly the provision concerning the submission of claims within 1 month after the transportation is viewed as a procedural requirement which will not be the basis for disallowing an otherwise proper claim for reimbursement for local transportation.

In this case when the member did become aware of his entitlement he submitted a claim which was approved. Nothing in the facts presented contains any indication that this was not a properly authorized payment and but for the fact that its submission was delayed the member would, no doubt, have received payment of this claim in due course. Accordingly, the member may be reimbursed the amount of his claim - \$153.

In examining the file of Mr. Corcoran, it was noted that at his release from active duty he was indebted to the Government in the sum of \$537.48, but that sum was reduced by waiver of \$237.33, leaving an indebtedness of \$264.15 which is still outstanding. This indebtedness should be partially liquidated by the amount herein allowed.

R. F. Killen
Acting Comptroller General
of the United States