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DECISION



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

21478

FILE: B-204262

DATE: April 12, 1982

MATTER OF: Second Lieutenant Franklin S. Tuck, USA

DIGEST: An Army officer was ordered to Fort Benning, Georgia, to participate in two training courses. The orders characterized the assignment as temporary duty although it was scheduled to last 23 weeks. While under the regulations and Comptroller General decisions assignments to training at one location for 20 weeks or more is usually a permanent change of station, in this case 6 weeks of the training was performed at two other installations and the member was treated in other respects as being on temporary duty. Thus, the characterization of the assignment in the orders as temporary duty for travel allowance purposes will not be questioned.

The question in this case is whether an Army member ordered to Fort Benning, Georgia, to attend two training courses which, combined, were scheduled to take 23 weeks may be considered to have been on temporary duty and entitled to per diem, or must be considered to have been transferred there on permanent change of station. Although a transfer for training in excess of 20 weeks at the same station is usually considered a permanent change of station, in this case it may be considered temporary duty since the orders so provided, the training took place at three different locations, and the member was treated as being on temporary duty.

The question was presented by the Finance and Accounting Officer, Headquarters United States Army Aviation Center and Fort Rucker, Fort Rucker, Alabama, and involves payment on a travel voucher for Second Lieutenant Franklin S. Tuck, USA. The matter was assigned Control Number 81-19 and forwarded to us by the Per Diem, Travel and Transportation Allowance Committee.

By orders dated June 6, 1979, Lieutenant Tuck, having recently graduated from the United States Military Academy, was ordered on permanent change of station from West Point, New York, to Fort Bragg, North Carolina

(later changed to Fort Rucker, Alabama), "with temporary duty enroute" at the Army Infantry School, Fort Benning, Georgia. The orders provided that he was to report to Fort Benning on July 9, 1979, for a period of 23 weeks of temporary duty to attend the Ranger Course and the Infantry Officer Basic Course. The orders also specifically provided that the Mountain Ranger Phase of the Ranger Course would begin August 6, 1979, at Dahlonaga, Georgia. Lieutenant Tuck was authorized shipment of 600 pounds of baggage incident to the "temporary duty."

Apparently, Lieutenant Tuck reported to Fort Benning on July 9, as ordered and was enrolled in the Ranger Course which began July 18. However, he became ill and, although apparently not hospitalized, was unable to attend classes from July 28 to August 13. He resumed training on August 14, completing the Ranger Course on October 4. Subsequently, he began the Infantry Officer Course which he completed on February 8, 1980. Due to his illness, some leave he took, and the Christmas holiday period during which the school was closed, Lieutenant Tuck's training assignment, actually took about 31 weeks. However, a substantial portion of that period was spent in training at Dahlonaga, Georgia, and Eglin Air Force Base, Florida, where portions of the Ranger Course were conducted. Lieutenant Tuck was at Fort Benning for about 7 weeks, at Dahlonaga for about 10 days, at Eglin for about 4 weeks, and again at Fort Benning for about 18 more weeks.

Lieutenant Tuck has been paid per diem for most of the period, but upon his filing of a travel voucher for the balance due him upon completion of his travel to his next duty station, Fort Rucker, the Finance Officer questioned his entitlement to temporary duty allowances while he was assigned to Fort Benning. The basis for the question is that Appendix J, Volume 1, Joint Travel Regulations (1 JTR), in defining "permanent station" for the purpose of determining travel allowances, provides in part that:

"When a member who is ordered to attend a course (or courses) of instruction at a school or installation the scheduled, cumulative duration of which is 20 weeks

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or more, the school or installation is that member's permanent station regardless of the terms of the orders involved."

Since Lieutenant Tuck was assigned to Fort Benning in excess of 20 weeks, the Finance Officer questions whether Fort Benning must be considered his permanent station, in which case Lieutenant Tuck would not be entitled *co per diem*. However, the Finance Officer also points out that although Lieutenant Tuck was assigned to Fort Benning, a substantial part of the training was conducted elsewhere. He also indicates that Lieutenant Tuck was treated as being on temporary duty in that he was charged a service charge for use of bachelor officers' quarters at Fort Benning.

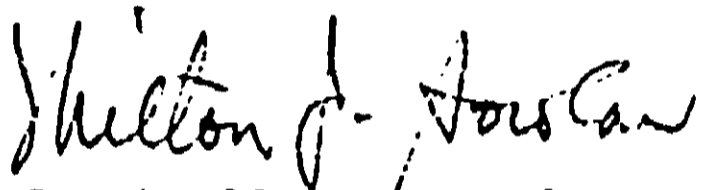
Although orders to duty as a student, even for periods of more than 20 weeks, lack certain elements ordinarily present in a permanent change of station, we long ago indicated that we would not object to regulations placing assignments to courses which are 20 weeks or more in duration, at one place, in the permanent change of station category. See 46 Comp. Gen. 852 (1967), 34 Comp. Gen. 260 (1954), 32 Comp. Gen. 569 (1953), and 24 Comp. Gen. 667 (1945). Also, we have considered assignments to two successive courses at the same station, neither exceeding 20 weeks but in combination exceeding 20 weeks, as being a permanent change of station. 37 Comp. Gen. 637 (1958). However, where the member was assigned to two different schools at different locations each for less than 20 weeks but in combination exceeding 20 weeks, we held that such assignment could not be considered a permanent change of station even though the combined assignment was one course of instruction. See 32 Comp. Gen. 569 (1953); B-115509, October 8, 1954; and B-148408, April 30, 1962.

In this case the assignment does not fall clearly into either category. While the assignment in the orders was to 23 weeks duty at the Infantry School, Fort Benning, the orders also recognized that part of the training would be conducted elsewhere. Also, neither period of training at Fort Benning exceeded 20 weeks, and these periods were separated by about 6 weeks training elsewhere.

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Therefore, in these circumstances we will accept the travel order's characterization of the duty as temporary, and Lieutenant Tuck's travel allowances should be computed on that basis.

The voucher presented includes reduced per diem for the full period of the training assignment less days the member was in a leave status. The Finance Officer states that during the training periods at Dahlonga and Eglin the member traveled with his class as a group on maneuvers. While it is not clear what travel conditions existed and what types of quarters and subsistence were available during the periods at Dahlonga and Eglin, we note that under some circumstances per diem is not authorized during participation in maneuvers, field exercises, or similar activities, nor during group travel periods. See 1 JTR paragraphs M4201-8 (ch. 318) and M4101-2. The Finance Officer should seek clarification of the facts in this regard to determine if any of the periods at Dahlonga or Eglin should be excluded in computing the per diem due.

for 
Comptroller General
of the United States