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DECISION



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

JM

FILE: B-208740

DATE: January 31, 1983

MATTER OF: Temporary Lodging Allowance

DIGEST: The Joint Travel Regulations may be amended to authorize temporary lodging allowances to members of the uniformed services when incident to a permanent change of station they perform temporary duty en route within the limits of their new permanent duty station prior to reporting to that station. This allowance may be paid at the time the member reports to the temporary duty station. If the temporary duty station is not within the limits of the permanent station, temporary lodging allowances are not authorized and in the absence of a more specific proposal with respect to this situation the regulations should not be amended to provide this entitlement.

This action is in response to a letter dated July 16, 1982, from the Assistant Secretary of the Navy (Manpower and Reserve Affairs) requesting an advance decision on whether we would object to a proposed amendment to Volume 1 of the Joint Travel Regulations (1 JTR) which would authorize a temporary lodging allowance at the time a member, who incident to a permanent change of station, is assigned to temporary duty en route, in the same location as his new permanent duty station. We have no objection to such an amendment since the member has arrived at his permanent station.

We have also been asked whether our answer would be different if the temporary duty station is not within the limits of the new permanent station, but is in close proximity to it. Since a member is not at his permanent station and a temporary lodging allowance is a permanent station allowance no entitlement exists and the regulations should not be amended.

The request has been assigned PDTATAC Control Number 82-17 by the Per Diem, Travel and Transportation Allowance Committee.

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The request for such an amendment arises as a result of the Navy's establishment of several schools in Honolulu, Hawaii, where many permanent Navy stations are located, both ashore and afloat. Navy members are being assigned on temporary duty to these schools prior to assuming new permanent assignments, also in Honolulu. Because the members have arrived at what will become their new permanent duty station, their travel status has been terminated for the purpose of receiving temporary duty allowances. Although they have arrived at their permanent stations, under the present regulations they are not entitled to temporary lodging allowances because they are presently assigned to temporary duty and have not reported to their new permanent stations. As a result, members in this situation with dependents must choose between the options of leaving their dependents behind at their old permanent duty station, or providing them with hotel accommodations in Honolulu at the member's own expense.

Normally, members reporting to temporary duty stations are entitled to temporary duty allowances under 1 JTR, para. M4200. However, 1 JTR, para. M4201-5 specifically precludes such entitlement where the travel or temporary duty is performed within the limits of the permanent station.

Payment of temporary lodging allowances is authorized under 37 U.S.C. § 405 (1976). The allowance is payable for the purpose of partially reimbursing a service member for the more than normal expenses incurred for temporary lodgings and the expense of meals when permanent quarters are not available at the time of initial arrival at a permanent duty station overseas.

The regulation presently provides for temporary lodging allowances upon a member's initial arrival (reporting) at a permanent duty station outside the United States or in Hawaii or Alaska. We have stated that because the temporary lodging allowance is a permanent station emolument, there is no basis for payment of the allowance at the new station until the change-of-station orders become effective. 43 Comp. Gen. 505 (1964).

In the case of the Navy members assigned to the schools in Honolulu, however, most of the expenses

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incurred will arise upon their initial reporting to their temporary duty station, rather than when they are permanently assigned. Were these members entitled to temporary duty allowances during the period of their temporary duty, at least a portion of their expenses upon arrival would be defrayed. However, where the member's travel status for the purpose of temporary duty allowances is terminated, it would follow that the member should be entitled to a temporary lodging allowance since he would be incurring the additional expenses at the time he reports to the temporary duty station which such allowance was intended to defray. In 57 Comp. Gen. 178 (1977) we held that although temporary lodging allowances authorized under 37 U.S.C. § 405 ordinarily are not payable to a member until he reports at his permanent station, the Joint Travel Regulations could be amended to provide that permanent-change-of-station travel terminates when a member reports for temporary duty at the home port of the two-crew nuclear submarine to which he is permanently assigned. At this time he becomes entitled to temporary lodging allowances. We believe the amendment being considered follows rationale similar to that set out in 57 Comp. Gen. 178 (1977). Accordingly, an amendment authorizing temporary lodging allowances for a member and his dependents after the member reports for temporary duty at the location of his new permanent duty station may be implemented.

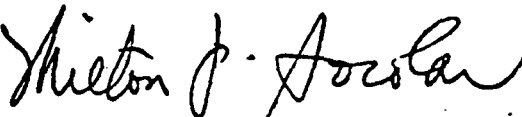
The Navy also submits for our consideration the question of whether our response would be any different for schools that are not located within the corporate limits of Honolulu but are located within the Honolulu area.

Appendix J of Volume 1 of the Joint Travel Regulations defines a permanent duty station as being the post of duty or official station to which a member is assigned for duty other than temporary duty. The limits of such post of duty are the corporate limits of the city or town in which the member is stationed. If the member is assigned to a school outside of the corporate limits of Honolulu, but his permanent duty station is within its limits, his temporary station will be different from his new permanent station. Thus, the member would not be entitled to a temporary lodging allowance under 1 JTR para. 4303-1, since he is not at his permanent station.

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We recognize that assignment to temporary duty outside the corporate limits of Honolulu as opposed to inside the corporate limits of Honolulu would not change the member's situation or needs in many cases. However, the regulations applicable when the temporary assignment is outside the corporate limits of the new duty station are more complex and authorizing payment in those circumstances would require correspondingly complex changes in the regulations. In the circumstances the regulations should not be amended to permit payment of the temporary lodging allowance.

We would, however, consider a more specific proposal for paying the allowance when the temporary duty is performed outside the corporate limits of the new duty station, including proposed regulatory changes.

for 
Comptroller General
of the United States