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DECISION



20178
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548

Revised

FILE: B-202023

DATE: December 4, 1981

MATTER OF: Lieutenant Colonel Robert and
Mrs. Sara Karrer

- DIGEST:
1. A civilian employee of the Department of the Army is entitled to an allowance for the shipment of household goods incident to a change in her permanent station even though her husband, a member of a uniformed service had shipped other household goods in connection with his permanent change of station at an earlier date.
 2. Civilian employees of the Government who have permanent changes of station are entitled to allowances for the shipment of household goods if they are married to a member of the uniformed services also making a permanent change of station and they maintain a joint residence at both the new and old stations so long as payment is not made by the civilian agency and the military department for shipment of the same household goods.
 3. When civilian employee and a member of the uniformed services, married to each other, both have permanent changes of station, the employee is entitled to an allowance for the shipment of household goods authorized for an employee with an immediate family even though the member ships his household goods.

The questions to be resolved involve the entitlement of a civilian employee of the Army to an allowance for the shipment of household goods incident to a permanent change of station when her husband, a member of the uniformed services, also received a permanent change of station to the same location at an earlier date and shipped household goods in connection with that change. The specific question is what is the maximum weight allowance authorized the civilian employee. A question is also asked concerning when shipment of household goods by a civilian employee and a military member maintaining joint residences at both the old and new stations would be considered duplicative payments.

B-202023

These questions were presented by the Assistant Secretary of the Army, Manpower and Reserve Affairs, and have been assigned PDTATAC Control No. 81-5, by the Per Diem, Travel and Transportation Allowance Committee.

Lieutenant Colonel Robert Karrer and his wife Sara resided in Government quarters at Fort Knox, Kentucky. Colonel Karrer was on active duty and Mrs. Karrer was a civilian employee of the Army. In anticipation of her husband's permanent change of station, Mrs. Karrer established a separate residence in Radcliff, Kentucky, on June 15, 1979, since the Karrers would be ineligible to remain in Government quarters at Fort Knox after his transfer. On July 22, 1979, Colonel Karrer transferred to Panama accompanied by one child. The other child moved to Panama in August 1979. Incident to this transfer Colonel Karrer shipped nearly his maximum weight limitation in household goods.

Mrs. Karrer remained in her civilian position with the Army at Fort Knox until January 1980, when she was transferred to Panama in the interest of the Government. Incident to this transfer she shipped 580 pounds of household goods which she had purchased to furnish her residence in Radcliff, Kentucky.

Members of the uniformed services are entitled to the shipment of household goods within certain weight limitations based on grade in connection with a permanent change of station. See 37 U.S.C. 406 (1976), and chapter 8 of Volume 1 of the Joint Travel Regulations (JTR). The entitlement is established without regard to the number of dependents. Members of the uniformed services married to each other may combine their individual entitlements. See 1 JTR M8003.

Civilian employees of the Government are also entitled to an allowance for the shipment of household goods for themselves and their immediate family incident to a change of station based on weight. See 5 U.S.C. 5724, and chapter 8, 2 JTR. An employee without immediate family accompanying him is entitled to 7,500 pounds, and one with immediate family 11,000 pounds. Civilian employees married to each other and maintaining a joint residence are entitled to one allowance of 11,000 pounds. 2 JTR 8000.

B-202023

When a civilian employee is married to a member of a uniformed service they are each entitled to benefits conferred as a result of their respective service, so long as a duplicative payment does not exist. See 54 Comp. Gen. 892 (1975).

Paragraph 2-1.4d of the Federal Travel Regulations (FPMR 101-7) defines "immediate family" as:

"(1) Any of the following named members of the employee's household at the time he reports for duty at his new permanent duty station or performs authorized or approved overseas tour renewal agreement travel or separation travel:

"(a) Spouse;

"(b) Children * * *."

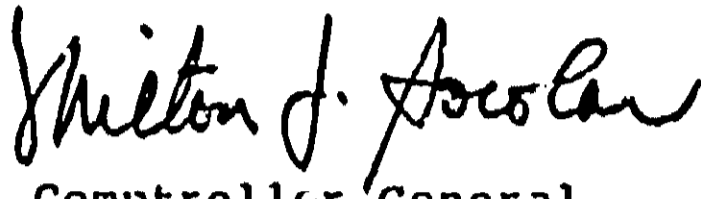
Since Mrs. Karrer's permanent change of station has been determined to be in the interest of the Government and her husband and two children meet the definition of immediate family, she is entitled to an allowance for the shipment of a maximum weight allowance of 11,000 pounds.

With regard to the question of when the payment of an allowance for or the shipment of household goods would be considered duplicative, it is our view that a duplicative payment would exist whenever a claim was made by either spouse for an allowance or shipment of the same goods made under the other's entitlement. In other words, even though household goods are jointly owned, both the civilian employee and the member of the uniformed service may transport a portion of the goods under the statutory authority of their respective service so long as they do not exceed the weight limitations. This, in effect, would allow them to combine their respective entitlements.

We understand that this appears inconsistent with the provisions of the Federal Travel Regulations and Volume 1, JTR, implementing 5 U.S.C. 5724, limiting two family members who are employees to the entitlement of one employee with an immediate family. See paragraph 2-1.5c, FTR, and 2 JTR 8000. However, in the absence

B-202023

of a specific provision of the regulations dealing with such cases, civilian employees married to members of the uniformed services are entitled to the benefits conferred by 5 U.S.C. 5724, so long as they both do not receive an entitlement for the shipment of the same household goods.

for 
Comptroller General
of the United States