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Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Proposed Amendment to Joint Federal Travel
Regulations--Nontemporary Storage of Household
Goods

File: B-741940

Date: September 13, 1991

DIGEST

The Joint Federal Travel Regulations may be amended to allow military members separating or released from active duty nontemporary storage of their household goods.

DECISION

The Per Diem, Travel and Transportation Allowance Committee asks whether the Joint Federal Travel Regulations (JFTR) may be amended to provide members separated from the service or released from active duty 180 days of nontemporary storage of their household goods.^{1/} For the reasons discussed below, we believe that such an amendment would be legally permissible.

Under 37 U.S.C. § 406(b)(2), members who are separated or released from active duty are entitled to the same transportation and allowances authorized for changes in station. Transportation in the case of a change of station, and therefore in the case of separation or release, includes packing, crating, drayage, temporary storage, and unpacking. 37 U.S.C. § 406(b)(1). Based on these provisions, only temporary storage has been authorized for separated or released members.

The difference between temporary storage and nontemporary storage is that the former is storage authorized in connection with a shipment of goods. The Committee's submission notes that several Comptroller General decisions have concluded that the shipment incident to temporary storage must be inter-city, so that such storage may not be paid for by the government in connection with a local move of household goods. As a result, members separated or released from active duty have been denied government-financed storage of household goods in

^{1/} The Committee has assigned control number PADAC 89-4 to the submission.

situations where they ultimately decide, after placing their household goods in temporary storage, to stay in the area in which they were separated or released. Members whose situation is identical except that they ultimately decide to have their household goods transported to another location, in contrast, have been allowed to have their household goods stored at government expense.

To cure this obvious inequity, the Committee proposes to use 37 U.S.C § 406(d) as authority to provide by regulation for up to 180 days of nontemporary storage for members separated or released from the service without regard to the ultimate destination of the household goods. The provision in section 406(d) on which the Committee would rely states that nontemporary storage "may not be authorized for a period longer than one year from the date the member concerned is separated from the service, retired, placed on the temporary disability retired list, discharged, or released from active duty"

The Committee also suggests that the change would be financially advantageous for the government. The reason is that nontemporary storage is less expensive than temporary storage, and since most released or separated members eventually do relocate, allowing them nontemporary storage would more than offset the additional cost of paying for the storage of those relatively few who decide to stay in the area where the goods are stored.

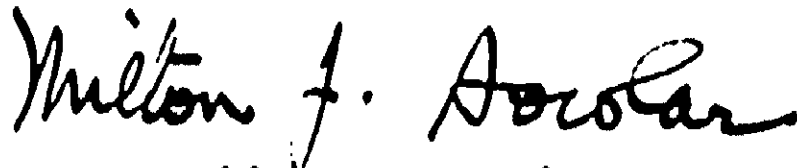
We think that 37 U.S.C. § 406 provides the requisite authority to allow government payment of nontemporary storage in the described circumstances. Subsection (b)(2), in setting out the timeframe in which a separated or released member must apply for allowances, specifically recognizes that such member may have been authorized nontemporary storage under subsection (d).^{2/} The provision in subsection (d) that the Committee references, as quoted above, also contemplates that there might be nontemporary storage of a separated or released member's household effects, by expressly limiting the time for such storage to 1 year.

Moreover, irrespective of the inequity the Committee describes, we think that nontemporary storage generally is appropriate for the individuals in issue. In authorizing temporary storage in the case of a change of station, the Congress explained that the shipment either should be in process or in immediate prospect. See 32 Comp. Gen. 410, 413 (1953). There may well be no shipment imminent for separated

^{2/} In such case, the 180-day application period does not start until the nontemporary authorization expires.

or released members since, like retirees, they are allowed a substantial amount of time in which to decide where to have the stored goods shipped. The only differences in that respect are that a retiree, whose goods are put in nontemporary storage, has a year to select his "home" for purposes of the transportation allowance, 37 U.S.C. § 404(c), and the cost to the government for shipping the goods of a separated or released member is limited to the cost of shipment to the member's home or the place from which he was called or ordered to active duty. See 1 JFTR para. U5125(A)(1). In either case, however, no shipment is in immediate prospect until the individual makes his decision.

Accordingly, we agree with the Committee that a member separated from the service or released from active duty may have his household good put in nontemporary storage (limited only as to time) while he decides whether and where to relocate. We therefore have no objection to the proposed amendment to the JFTR.

for 
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