

## **Per Diem for Orders in Support of a Contingency Operation (Title 10)**

There have been a significant number of reserve component (RC) members under orders in Support of a Contingency Operation (Title 10) erroneously authorized per diem when performing active duty at a location within the local area of their primary residence/home. This has resulted in enormous debts, with some exceeding over \$100,000. When an RC member is called/ordered to active duty order under a designated contingency operation, the below guidance will be used to determine the entitlement to per diem:

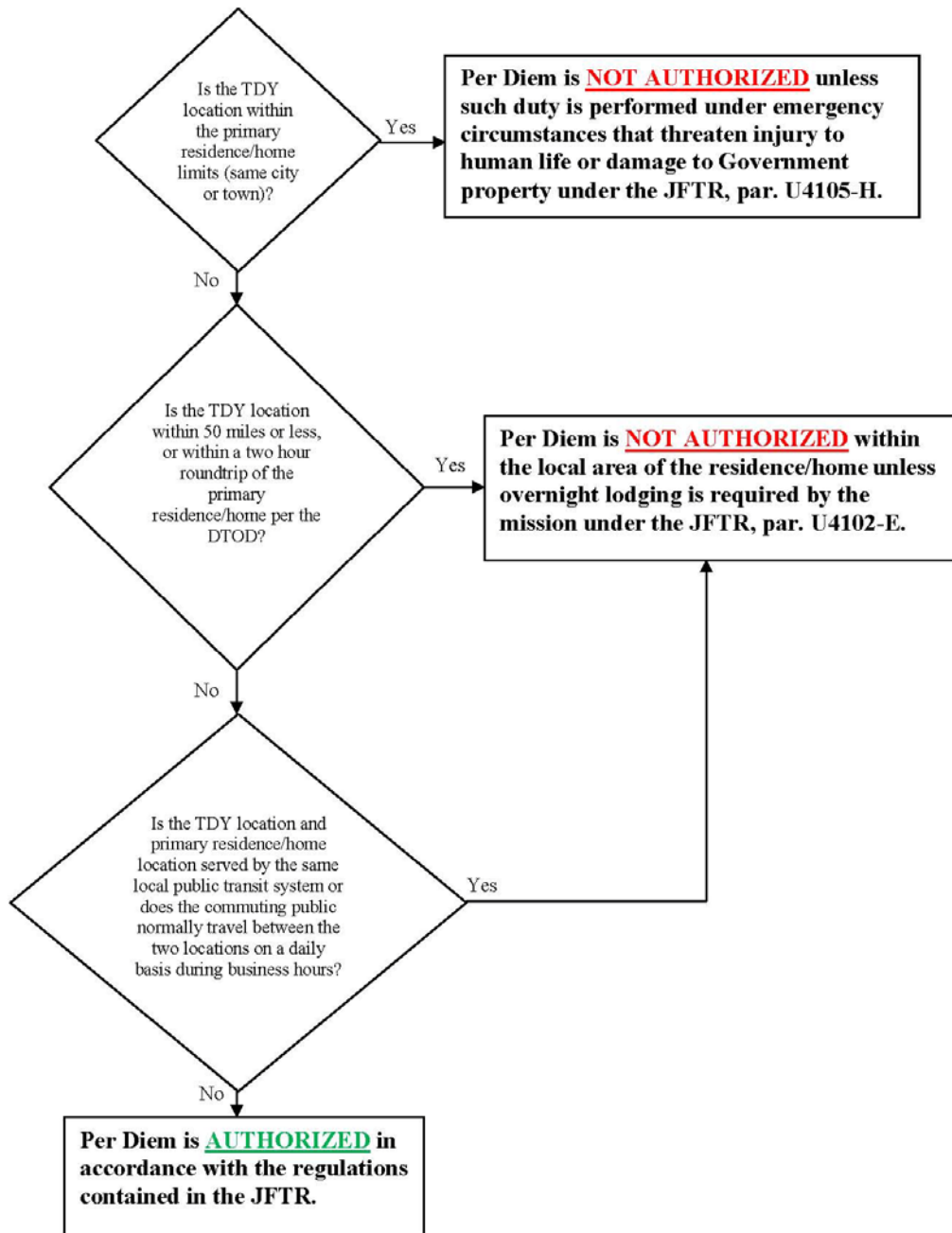
- Per diem is not authorized for duty performed within the local commuting area of the RC member's primary residence/home at the time called/ordered to active duty. Refer to the JFTR, Appendix A for the definition of primary residence/home of RC member.
- A local commuting area may include separate counties, cities, towns, or installations adjacent to or close to each other served by local public transit systems, within 50 miles or a two hour roundtrip commute as determined by Defense Table of Official Distances (DTOD) <https://eta.sddc.army.mil/ETASSOPortal/default.aspx>, or between which the commuting public travels on a daily basis.
- Use the flow chart on the next page to determine the entitlement to per diem for a member on a Title 10 order.

An RC member that has been determined to be within a local commuting area of their primary residence/home may be authorized the applicable automobile/motorcycle mileage rate for one round trip in accordance with the JFTR, par. U7150-B. If this is the case mileage reimbursement would be based off of the odometer reading for the local travel between the primary residence/home and active duty tour site. The DTOD still remains the only official source for worldwide PCS and TDY distance information, to include determining the entitlement to per diem.

The RC member's primary residence/home can only change if there is a break in active duty exceeding one full day (more than 24 hours).

The only difference for determining if per diem is authorized for an RC member under a Title 10 order and an active duty member under a regular TDY order is the RC member's entitlement is determined based on their primary residence/home location at the time called/ordered to active duty and the active duty member's entitlement is determined based on their permanent duty station (PDS) location.

**DETERMINING THE ENTITLEMENT TO PER DIEM**



Here are some other relevant JFTR regulations that may pertain to members on Title 10 orders:

- Per the JFTR, par. U2555-B, a member on a Title 10 order for more than 180 consecutive days at one location may be directed thru the Secretarial Process (COMDT (CG-1222)) to use Government contracted lodging at or near a U.S. Installation.
- Per the JFTR, par. U4102-B, a member is not authorized per diem on any day not in a travel status or any day classified as leave (e.g. annual leave, sick leave, paternity leave, etc.) or administrative absence. Refer to the Military Assignments and Authorized Absences Manual, COMDTINST M1000.8 (series) for a complete listing of authorized absences.
- Per the JFTR, par. U4105-I, a member on a Title 10 order for more than 180 consecutive days at one location should be receiving the Contingency Operation flat rate per diem when there is long term lodging with adequate kitchen facilities available. The flat rate per diem is equal to 55% of the applicable maximum locality per diem rate. Request for the flat rate per diem must be authorized thru the Secretarial Process before travel begins.
- Per the JFTR, par. U4129-E, lodging cost reimbursement is not authorized for a member who stays in a residence owned or leased by a friend or relative.
- Per the JFTR, pars. U4129-I and U4131, a member who leases or rents an apartment, house, or recreation vehicle with other official or non-official traveler(s) shall only be reimbursed the appropriate percentage of the following lodging costs and expenses (e.g., two occupants – each receive 50%; three occupants – each receive 33%) not to exceed the authorized locality per diem lodging rate.
- Per the JFTR, par. U4135, dual lodging beyond 14 consecutive days must be approved thru the Secretarial Process. Dual lodging exists to cover lodging expenses that arises because of unexpected circumstances beyond the member's control.
- Per the JFTR, par. U4137, a member can no longer receive reimbursement for the expenses associated with purchasing a residence at a TDY location. Refer to the specific JFTR paragraph for effective dates.

If a Coast Guard Instruction, SOP, or other forms of written policies/procedures conflicts with the JFTR, the regulations contained in the JFTR take precedence.

For a determination on questionable cases, please contact COMDT (CG-1222), YNCM Michael Snyder at 202-475-5395.