

KEYWORD: Travel; ADT - commute

DIGEST: A member of the Air Force Reserve performed active duty training for three days at his unit's home station. The member's claim for actual mileage from his residence to his unit is allowed to the limited extent provided under paragraph U7150-A of volume 1 of the Joint Federal Travel Regulations. The member's claim for lodging expenses is denied because a member is not entitled to per diem when he commutes from his home to his unit of assignment.

CASENO: 00102001

DATE: 04/10/2001

April 10, 2001

_____)	
In Re:)	
[Redacted])	Claims Case No. 00102001
_____)	
Claimant)	

CLAIMS APPEALS BOARD DECISION

DIGEST

A member of the Air Force Reserve performed active duty training for three days at his unit's home station. The member's claim for actual mileage from his residence to his unit is allowed to the limited extent provided under paragraph U7150-A of volume 1 of the Joint Federal Travel Regulations. The member's claim for lodging expenses is denied because a member is not entitled to per diem when he commutes from his home to his unit of assignment.

DECISION

This is in response to an appeal of Defense Office of Hearings and Appeals (DOHA) Settlement Certificate, DOHA Claim No. 00091206 (November 6, 2000), in which we denied the claim of an Air Force Reserve member for per diem and transportation allowances for a three-day period of active duty training from May 17 through May 19, 2000.

Background

The member was ordered to perform three days of active duty training (ADT) at his unit's home station. The orders stated the member was responsible for paying his own lodging costs

and full meal rate at the government mess.¹ The member traveled from his home in White Lake, Michigan, by private automobile to his unit at Selfridge Air National Guard Base (ANGB), Michigan, on May 17, 2000. He spent the two nights in commercial lodging near the base at a cost of \$88. He drove home on May 19, 2000, and filed a travel voucher for reimbursement for his lodging and travel. The Air Force Reserve Command allowed the member \$22.10 for 68 miles (34 miles one way x 2) for his mileage but denied the member his lodging cost based on the fact that his home was within the commuting distance of the base. The member appealed his claim for lodging and additional mileage on the grounds that his home was outside the commuting area of the base, that he had never been denied lodging in the past and that he was told that his home was outside of the Selfridge ANGB commuting area. The member asserts that his actual mileage was 41.3 miles and has submitted evidence, information he obtained from internet mapping sites, corroborating the distance.

Discussion

The relevant implementing regulation is paragraph U7150 of volume 1 of the Joint Federal Travel Regulations (JFTR), which provides authority for the payment of travel and transportation allowances for reservists.

In the present case, the member was serving as a member of a reserve component called to active duty training at his unit of assignment, Selfridge ANGB. The member's entitlement for travel and transportation expenses in connection with ADT is governed by 1 JFTR ¶ U7150. Paragraph U7150-A1b states that there is no travel and/or transportation allowance entitlement for travel between home and the place of active duty when the order-issuing official determines that both are within a reasonable commuting distance of each other and that the nature of the duty involved permits commuting. However, members are entitled to applicable automobile mileage rates with distances calculated under 1 JFTR ¶ U3505-C for one round trip between the duty station and home. Areas within a reasonable commuting distance are described under ¶ U3500-B. Under ¶ U3500-B, a local area is defined as the area within a local commuting area of the duty station, the boundaries of which are determined by the order-issuing official. Under ¶ U3505-C, when authorized/approved, a member who travels by privately owned conveyance (POC), is entitled to mileage based on odometer readings or other acceptable evidence, furnished by the member, of the actual necessary distance traveled in conducting official business.²

The order-issuing official who signed the member's orders (AF Form 938, Request and

¹We note that the language, "Unit pays lodging costs," contained in the travel order follows the language "Member performing IDT on 20-21 May 2000," and modifies the latter. We interpret the language to mean that the member was to perform inactive duty training (IDT) following his active duty training and that during his IDT, his unit would pay his lodging costs.

²In contrast, where TDY or a PCS is involved, the Defense Table of Official Distances (DTOD), is the only official source for determining travel distance. The DTOD does not apply to travel distances in and around the PDS. See 1 JFTR ¶ U2020.

Authorization for Active Duty Training/Active Duty Tour) determined that the member's home and place of active duty were within a reasonable commuting distance of each other and that the nature of his three day ADT permitted commuting.³ Therefore, under 1 JFTR ¶ U7150-B, the member is not entitled to a travel or transportation allowance for travel between his home and place of active duty except to the limited extent provided under 1 JFTR ¶ U3505-C. Under ¶ U7150-A1b, the member is entitled to his actual mileage for one round trip between his home and duty station. Since the member was only allowed reimbursement for 68 miles (34 miles one way x 2), the member is entitled to reimbursement for an additional 14 miles ([41.3 miles one way x 2] minus 68 miles) that he actually traveled.

In addition, the member is not entitled to reimbursement for the \$88 he spent on lodging during his ADT. The per diem allowance is a daily payment for lodging, meals and related incidental expenses given to a member in travel status, i.e., while away from his PDS. Since the member's active duty was performed at his PDS, the member was not in a travel status. *See* 1 JFTR ¶ 4102. Under 1 JFTR ¶ U7150-A, a reservist on active duty, whose home and place of active duty are within a reasonable commuting distance of each other as determined by the order-issuing official/installation commander, is not entitled to a per diem allowance. *See Major Donna L. Reed, USAR, B-238016, April 2, 1991, in which the Comptroller General prohibited payment of per diem under ¶ U7150 to a reservist for commuting between home and her permanent duty station.*

Finally, although the member's travel order may have contained some information that was misleading, entries in travel orders are ineffective to the extent that they do not conform to applicable statutes and regulations. *See Colonel James C. Berry, USAR, B-227584, May 19, 1988.* Even if the member was given lodging cost reimbursement in the past and he was told that his home was outside of the Selfridge ANGB commuting area, there is still no basis for payment since the government is not liable for erroneous information given by its officers, agents or employees. *See DOHA Claims Case No. 97011319 (May 13, 1997); and Specialist Michael Crocco, B-265609, January 25, 1996.*

Conclusion

We modify the Settlement regarding the allowable mileage, but otherwise affirm it.

³The order-issuing official recommended denial of reimbursement because the member's travel between his home and place of active duty were within a reasonable commuting distance of each other. The order-issuing official also pointed out that there is a Mileage Chart posted in the member's unit's break room that illustrates that his home is within the local commuting area of the base.

_____/s/_____
Michael D. Hipple
Chairman, Claims Appeals Board

_____/s/_____
Jean E. Smallin
Member, Claims Appeals Board

_____/s/_____
Catherine M. Engstrom
Member, Claims Appeals Board