

January 20, 2000

In Re:

[Redacted]

Claimant

Claims Case No. 99111210

CLAIMS APPEALS BOARD DECISION

DIGEST

A Navy member submitted a fraudulent travel voucher for dislocation allowance and travel expenses for his dependents incident to a permanent change of station. The voucher was fraudulent because his dependents had not moved at the time the voucher was submitted. The Navy discovered the fraud before a check was issued to the member. When his dependents actually moved, the member submitted a claim for the same amount. That claim is denied, since the fraudulent claim nullifies a subsequent claim arising from the same change of station.

DECISION

We have been asked to render a decision regarding a Navy member's claim for dislocation allowance (DLA) and dependent travel incident to a permanent change of station (PCS).

Background

Under orders dated August 14, 1997, the member was transferred from Pensacola, Florida, to Kings Bay, Georgia, with a reporting date of September 3, 1997. The member had received a travel advance in August 1997 of \$980.95 including DLA at the without-dependent rate and other entitlements for his PCS move. [\(U\)](#) In July 1998 he was advised that the advance would be collected from him if he did not file a travel voucher to liquidate that advance, and in late July 1998 the member filed a voucher for that purpose, although the voucher was dated September 12, 1997. In early August the member submitted a claim for \$631.14 for his dependents' PCS travel including the difference between DLA at the with and without-dependent rates. He indicated that they had moved on July 30, 1998. Payment on the second claim was halted before a check was issued to the member because Navy authorities discovered that his dependents were still living in Florida. The record indicates that the member's Commanding Officer imposed Non-Judicial Punishment on him for filing a fraudulent claim for the dependent portion of his DLA and for his dependents' travel. Later, the member moved his family to Georgia and again filed a claim for their travel expenses, and finance personnel question whether payment can be made, since the member was not previously paid for his dependents' travel.

Discussion

In B-247574, Mar. 18, 1992, the Comptroller General denied a military member's claim for dependent travel and transportation costs and DLA incident to a PCS move. In that decision the member initially submitted a claim in June 1990 after he purportedly moved his family from Colorado to Wyoming. His claim was allowed but was later found to be fraudulent because his family was still living in Colorado. The amount which the member received for his claim was

recouped from him. In April 1991 the member's family actually moved to Wyoming, and he again filed a claim for the allowable expenses and DLA. In denying the claim, the Comptroller General stated that the fraudulent submission nullified the member's claim.

The situation before us is similar to the situation in B-247574, *supra*. The difference pointed out by finance personnel is that in the situation before us the fraudulent nature of the first claim was discovered before the claim was paid, while in B-247574 the claim was paid before the fraud was discovered. That difference does not affect the outcome of the case before us. The Comptroller General stated, and we agree, that submission of a fraudulent claim nullifies the later claim. When the second claims were filed in B-247574 and in the case before us, the members were financially in the same position, since the amount paid to the member in B-247574 had been recouped from him. It is the filing of a fraudulent claim and not the timing of the government's discovery of the fraud that nullifies a second claim for the same transaction. The fact that the government discovers the fraud swiftly does not cancel the fraud or restore the member's right to file a later claim.

Conclusion

The member's claim is denied.

/s/

Michael D. Hipple

Chairman, Claims Appeals Board

/s/

Christine M. Kopocis

Member, Claims Appeals Board

/s/

Jean E. Smallin

Member, Claims Appeals Board

1. DLA at the without-dependent rate is payable to a member who is not assigned to government quarters. (The member was considered to be without dependents at that time because his family had not yet relocated in connection with the PCS.) *See* paragraphs U5605B and 5610B of volume 1 of the Joint Federal Travel Regulations.