

**From:** (b)(6)  
**To:** (b)(6)  
**Cc:** (b)(6); (b)(6); (b)(6)  
**Subject:** RE: TDY Students - Off Base Lodging  
**Date:** Thursday, September 24, 2015 8:33:43 AM

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(b)(6)

A revised JTR was issued on 1 Aug 15. There is a provision in the JTR (Chapter 2, Part H, Sec 1, para. 2555) which states:

- A member is required to use Gov't qtrs. if:
1. sent TDY to a US installation (see App A1); and
  2. the gov't qtrs. on that US installation are adequate and available.

But then, para. 2560, D. states the below which seems to directly contradict para. 2555.

- D. Member Uses Other Lodgings as a Personal Choice. A member:
1. Should use adequate and available Gov't Qtrs on the U.S. Installation at which assigned TDY.
  2. Who uses other lodgings as a personal choice, when adequate Gov't Qtrs:
    - \*a. Are available on that U.S. Installation, or
    - \*b. Use is directed on a foreign Installation
- is limited to the Gov't Qtrs lodging reimbursement cost on the Gov't Installation to which assigned TDY (44 Comp. Gen. 626 (1965)).

Note: I think the asterisk indicates a provision that was changed.  
Note: Employee refers to a civilian employee, not a military member.

I'm not sure how to resolve these 2 seemingly contradictory provisions without going back through Finance channels for clarification. My gut tells me that training environments would not be subject to para. 2560 if we can make the argument as to why it's "militarily necessary" for training that students be housed on-base and together.

We'll keep digging

R,  
(b)(6)  
(b)(6)  
Staff Judge Advocate  
49 WG/JA  
Holloman AFB, NM

DSN: 572-3629/7217  
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(b)(6)

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-----Original Message-----

From: (b)(6)  
Sent: Wednesday, September 23, 2015 6:18 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: RE: TDY Students - Off Base Lodging

(b)(6)

As I mentioned this morning, I didn't realize how ripe this was, and that (b)(6) was so close to mandating use of gov't lodging.. I'm sure you heard him say that this morning in Wing Standup during my MIG brief.

You mentioned that you'd seen another JTR provision that might give him the authority to mandate use of gov't lodging.. I haven't found that.

I'm still stuck on:

T4040 LIVING EXPENSES (PER DIEM), para. A.1.D.. "If a member uses other lodgings as a personal choice, lodging reimbursement is NTE the Gov't

Qtrs cost on the U.S. Installation to which assigned TDY"

And (b)(6) reference to 2560 D.2.

Since this is a 31-180 day TDY, the 75% flat-rate is applied to our \$89 lodging per diem for Holloman, so even with a non-availability letter from us, the member can still only get reimbursed a maximum of \$66.75 per day.. Without the non-availability letter, the references (b)(6) and I have found, they'd be limited to our single VQ room rate of \$60.. It's really just a question of whether or not we get that \$60, or it goes to some downtown apartment complex that's charging \$1,800 per month.

The kicker is if the traveler finds an short-lease apartment for less—long term lodging arrangements are encouraged for lengthy TDYs.. If they find an apartment for \$1,200 a month, which is not unreasonable in Alamogordo, then he'd only get reimbursed \$40/day, and the government is actually saving money with them off-base.. Of course there's the sunk costs of upkeeping our unoccupied lodging rooms..

It's a tough call philosophically, but in this case, I think the more important part is authority.. I'm with Spear—I'd hate for (b)(6) to be put in an appeal situation when a traveler objects to staying on base..

Whatever help you can provide would be great.

(b)(6)

-----Original Message-----

From: (b)(6)  
Sent: Wednesday, September 23, 2015 5:15 PM  
To: (b)(6)  
Cc: (b)(6)  
Subject: TDY Students - Off Base Lodging

(b)(6)

Would you mind trying to weigh in on whether students can be directed to stay on base while TDY for MQ-1/9 training? In the near future (b)(6) wants me to start directing students to remain on base if there's availability and they have no issue that would preclude them from staying in lodging (such as family accompanying them). Lodging saw a significant decrease in their revenue last year and leadership thought it had to do with the fairly sizable portion of the students who choose to rent furnished places downtown. The joint travel reg says the following regarding individuals who choose to stay off base:

3. Employee

a. Except when TDY to an Integrated Lodging Program Pilot location [note: Holloman is not one of these locations], IAW par. 1265, an employee may not be ordered/required to use Gov't Qtrs, nor may the lodging reimbursement be limited to the Gov't Qtrs cost.

b. IAW the requirement to exercise prudence when incurring expenses, an employee should check for Gov't Qtrs availability, and is encouraged to use those Qtrs when TDY to a U.S. Installation.

D. Member Uses Other Lodgings as a Personal Choice. A member:

1. Should use adequate and available Gov't Qtrs on the U.S. Installation at which assigned TDY.

2. Who uses other lodgings as a personal choice, when adequate Gov't Qtrs:

.....\*a. Are available on that U.S. Installation, or

.....\*b. Use is directed on a foreign Installation

is limited to the Gov't Qtrs lodging reimbursement cost on the Gov't Installation to which assigned TDY (44 Comp. Gen. 626 (1965)).

Neither (b) nor I could find anything in the reg that says I (or any commander) have the ability to override the JTR. (b) had mentioned he'd sent your office a question a few weeks back but hadn't heard anything, so we wanted to re-attack it with you. I'd wait until the next time I saw you, but (b)(6) seemed to want an answer sooner rather than later. I'm sure FSS would appreciate the increased revenue, but I'd just as soon avoid an IG complaint for overreaching my authority (or stand by while the WG or OG/CCs took the blame).

(b)(6)

-----Original Message-----

From: (b)(6)

Sent: Tuesday, September 22, 2015 7:52 AM

To: (b)(6)

Cc: (b)(6)

Subject: RE: TDY Students - Off Base Lodging

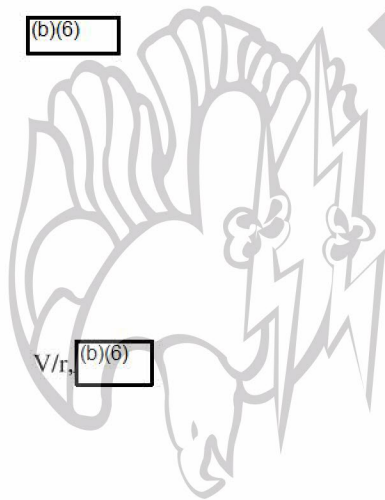
Spear,

I read the JTR the same way you do, and I don't believe you have the authority to dictate otherwise--where you stay is a personal choice, and the only repercussion is the amount of reimbursement. I've heard people quote military necessity. I'm not sure I would agree with that application for these students, but even so I have not found the JTR reference that even offers that judgment.

When I heard the talk start a couple months ago of mandating staying in Lodging (as much as I'd like the revenue), I posed the direct question to JA for a legal opinion. Maybe there is another section in the JTR that addresses it also. But not that I've found.

It's been a few weeks, so I will circle back with Mina to see if they've found anything.

(b)(6)



V/r,

(b)(6)

-----Original Message-----

From: (b)(6)

Sent: Tuesday, September 22, 2015 09:37 AM Eastern Standard Time

To: (b)(6)

Cc: (b)(6)

Subject: TDY Students - Off Base Lodging

(b)(6)

The question/issue came up regarding students who choose to stay off base and the loss of revenue for lodging. Some have mentioned telling students they have to stay on base if there is availability and a belief that I, as the students' commander, could revoke that. Looking at the travel regulation, the only thing I found was:

D. Member Uses Other Lodgings as a Personal Choice. A member:

1. Should use adequate and available Gov't Qtrs on the U.S. Installation at which assigned TDY.
2. Who uses other lodgings as a personal choice, when adequate Gov't Qtrs:

\*a. Are available on that U.S. Installation, or

\*b. Use is directed on a foreign Installation

is limited to the Gov't Qtrs lodging reimbursement cost on the Gov't Installation to which assigned TDY (44 Comp. Gen. 626 (1965)).

A quick search of the reg didn't turn anything up that would make me think I had the option of revoking it (at least for folks outside of the pipeline airmen). What are your thoughts?

v/r

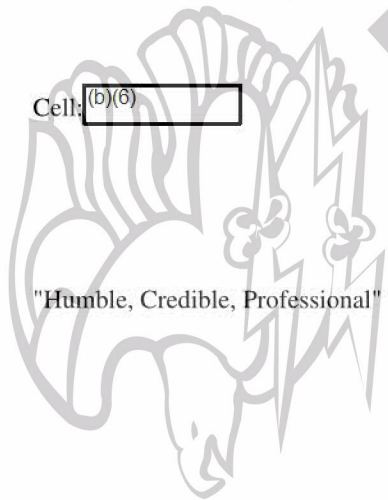
(b)(6)

(b)(6)

Commander, 16 TRS

575-572-2520 (DSN 572)

Cell: (b)(6)



TDY Place