



PER DIEM, TRAVEL AND TRANSPORTATION ALLOWANCE COMMITTEE

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Amended par. 1 from Vol 1 to Vol 2

PDTATAC/dlw

24 February 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CTD for CAP 16-11(E) -- Adds Domestic Partner as Dependent

1. SYNOPSIS: Revises the JTR, Volume 2 to coincide with changes to the Federal Travel Regulation (FTR) announced in the Federal Register, Vol. 75, No. 212, page 67629, dated 3 November 2010, revising the definition of "immediate family" to include "domestic partner" and children, dependent parents, and dependent brothers and sisters of the domestic partner as named members of the employee's household.

2. These changes are scheduled to appear in JTR change 546, dated 1 April 2011.

3 This determination is *effective on 3 March 2011*.

//Approved//

DANE SWENSON

Chief, Strategic Planning and Policy Division

Attachment:

Rev 3

Civilian E-Mail Distribution:

CAP Members T&T Branch PMO-DTS GSA-3FT GSA-OGP(MTT) DTMO CBCA Judges

JTR REVISIONS

C5600 GENERAL ([FTR §302-5.1](#))

A HHT:

1. Is discretionary. *The AO, not the employee, determines if a HHT is necessary.*
2. May only be authorized on a case-by-case basis, when an employee has accepted a permanent transfer, and the circumstances indicate the need.
3. May not be authorized to assist an employee in deciding whether or not to accept a transfer.
4. May be authorized only for an employee and/or spouse. Employee/spouse may perform separate HHTs to the new PDS at GOV'T expense NTE the cost that would have been incurred on one round trip when the employee's travel authorization/order is issued IAW Agency/Service regulations. Par. C5606.

NOTE: *A domestic partner is not a spouse and cannot be authorized a HHT (1 USC §7).*

5. May be authorized for an attendant or escort within this Part when Ch 6, Part L or APP E, Part 1, par. A21 apply ([59 Comp. Gen. 461 \(1980\)](#)).

If the HHT is allowed, it should lower the GOV'T's relocation costs by reducing the time in temporary lodging.

C5650-A:

A. Purpose. The RIT allowance purpose is to reimburse an eligible transferred employee for substantially all of the additional Federal, State, and local *income taxes* incurred by the employee (or by an employee and spouse if a joint tax return is filed) as a result of reimbursement, or payment, of certain travel and transportation expenses and relocation allowances that are not excludible from gross income for Federal income tax purposes.

NOTE: *A domestic partner is not a spouse and the employee cannot be reimbursed for additional Federal, State, and local income taxes incurred by the employee's domestic partner if a joint tax return is filed) (1 USC §7).*

JFTR/JTR REVISIONS

APP A1:

DEPENDENT/IMMEDIATE FAMILY (Civilian Employee Only). Any of the following named members of an employee's household at the time the employee reports for duty at a new PDS or performs authorized/approved OCONUS tour RAT or separation travel:

1. Employee's spouse;
2. Employee's domestic partner;
3. Children of the employee, of the employee's spouse, or of the employee's domestic partner who are unmarried and under age 21 years or who, regardless of age, are physically or mentally incapable of self-support. *NOTE: "Children" includes natural offspring; stepchildren; adopted children; grandchildren, legal minor wards or other dependent children who are under legal guardianship of the employee or employee's spouse; also, a child born and moved after the employee's effective date of transfer because of advance stage of pregnancy, or other reasons acceptable to the DoD component concerned, e.g., awaiting school year completion by other children. [50 Comp. Gen. 220 \(1970\)](#); [66 id. 497 \(1987\)](#);*

***NOTE 1:** An employee and spouse at an OCONUS PDS assumed temporary custody of two grandchildren. The grandchildren's parent was a uniformed member on active duty with a DoD Service in Iraq. The uniformed member (the parent) executed a special military power of attorney granting guardianship of the children to the children's grandparent. GSBICA held that the power of attorney did not create a "legal guardianship" as that term is used in par. B above to define dependent/immediate family members for the purpose of determining eligibility for relocation allowances. Since the term "legal guardianship" is not defined in the JTR, GSBICA turned to Arizona state law (the state in which the power of attorney was executed and in which the uniformed member resided) for guidance. Under Arizona law legal guardianship can be established only by judicial determination and the powers of attorney provided by the uniformed member were not sufficient to create guardianship. Since legal guardianship did not exist, the grandchildren could not be the employee's immediate family members and the employee was not authorized travel and transportation costs and overseas allowances (TQSA) on their behalf ([GSBICA 16337-RELO, 19 April 2004](#)).*

4. Dependent parents (including step- and legally adoptive parents) of the employee, of the employee's spouse, or of the employee's domestic partner; and
5. Dependent brothers and sisters (including step- and legally adoptive brothers and sisters) of the employee, of the employee's spouse, or of the employee's domestic partner who are unmarried and under 21 years of age or who, regardless of age, are physically or mentally incapable of self-support.

DIFFERENT (OR SEPARATE) DEPARTMENTS AND AGENCIES (Civilian Employee Only)

1. The several departments and agencies of the Executive branch of the GOV'T.
2. Within the Department of Defense, the terms "Different Departments" or "Different Military Departments" means the DoD components separately. *NOTE: This distinction is necessary with regard to funding for travel and transportation from one department to another.*

DOMESTIC PARTNER (Civilian Employee Only). An adult in adomestic partnership with an employee of the same-sex.

DOMESTIC PARTNERSHIP (*Civilian Employee Only*). A committed relationship between two adults of the same sex, in which they:

1. Are each other's sole domestic partner and intend to remain so indefinitely;
2. Maintain a common residence, and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle);
3. Are at least 18 years of age and mentally competent to consent to contract;
4. Share responsibility for a significant measure of each other's financial obligations;
5. Are not married or joined in a civil union to anyone else;
6. Are not a domestic partner of anyone else;
7. Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the U.S. jurisdiction in which they reside;
8. Are willing to certify, if required by the agency, that they understand that willful falsification of any documentation required to establish that an individual is in a domestic partnership may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification, as well as constitute a criminal violation under 18 USC §1001, and that the method for securing such certification, if required, must be determined by the agency; and
9. Are willing promptly to disclose, if required by the agency, any dissolution or material change in the status of the domestic partnership.

DUTY STATION

HOUSE-HUNTING TRIP (HHT) (*Civilian Employee Only*). Round trip travel between the old and new PDSs to seek a permanent residence.

NOTE: *A domestic partner is not a spouse and cannot be authorized a HHT (1 USC §7).*
