



PER DIEM, TRAVEL AND TRANSPORTATION ALLOWANCE COMMITTEE

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PDTATAC/vap

30 November 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CTD for CAP 91-11(E) -- Add Domestic Partner to Spouse

1. SYNOPSIS: Add 'domestic partner' after 'spouse' in the JTR where specifically authorized by the FTR. Also included two changes to domestic partnership definition GSA made in the FTR final rule (FTR Amendment 2011-04, FTR Case 2010-303, effective 28 September 2011).
2. These changes are scheduled to appear in JTR change 555, dated 1 January 2012.
3. This determination is *effective on 28 September 2011*.

//approved//

PHILIP G. BENJAMIN

Chief, Strategic Planning and Policy Division

Attachment:

Rev 4

Civilian E-Mail Distribution:

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

JTR REVISIONS:

C1057-B:

B. Employee Married to Employee/Member. An employee, married to an employee/a uniformed member or an employee whose domestic partner is an employee/a uniformed member when each is traveling under a separate order between PDSs, upon request may be authorized/have approved an extension by the Agency when in the GOV'T's interest. See pars. C1001-D and C1058 for restrictions.

C5090-C1:

1. Covered Individuals. An individual who is eligible for relocation expenses may submit a request to the official designated by the concerned DoD for expense authorization/approval. This request ordinarily should be submitted, in writing, at least 90 days before the anticipated retirement date and must include the following information:

- a. Name, grade, and SSN;
- b. Name of spouse/domestic partner;
- c. Name(s) and age(s) of dependent children;
- d. Move origin and destination;
- e. Anticipated move dates.

C5125-A:

A. Travel En Route between an Employee's Old and New PDS

1. General

- a. Per diem is authorized for an employee's dependent direct travel between the old and new PDS when the employee is transferred and not for time spent at, or while traveling to/from a TDY location.
- b. *The prohibition on paying per diem for travel of 12 or fewer hours applies.*
- c. If the travel origin and/or destination is other than the old/new PDS, the per diem is NTE the amount authorized between the old and new PDSs.
- d. Par. C4555-B3 applies when the employee/dependent obtains lodging from friends/relatives.
- e. Per diem rates for a dependent are in pars. C5125-A2 through A4.

NOTE: Per diem may not be paid for dependents for circuitous travel to/from, or while at, an employee's TDY location.

2. Employee and Spouse/Domestic Partner Travel Together. When an employee and spouse/domestic partner travel together, the:

- a. Maximum per diem rate for the spouse/domestic partner is 75% of the employee's rate. See par. C4553.

b. Minimum per diem rate is \$6 unless the employee receives a per diem rate of less than \$6 in which case the spouse/domestic partner receives the same rate as the employee.

3. Spouse/Domestic Partner Travels Independently

a. Different Travel Dates. When an employee and spouse/domestic partner travel independently of each other, the

(1) Maximum per diem rate for the spouse/domestic partner is the same as the employee's had they traveled together.

(2) Employee's actual travel time and per diem rate are not factors in computing per diem for the spouse/domestic partner's travel.

b. Same Travel Dates. When more than one POC is used, the employee and spouse/domestic partner travel together when they travel on the same days along the same general route.

4. Dependent Other Than Spouse/Domestic Partner

a. Maximum Per Diem Rate. For each dependent other than a spouse/domestic partner the maximum per diem rate is:

(1) 75% of the employee's per diem rate for a dependent age 12 or older; and

(2) 50% of the employee's per diem rate for a dependent under age 12.

b. Minimum Per Diem Rate. The minimum per diem rate is \$6 unless the employee receives a per diem rate of less than \$6 in which case the dependent receives the same rate as the employee.

5. Dependent Transportation Cost Limited to GOV'T-Procured Air Transportation Cost. When a dependent's transportation cost is limited to GOV'T-procured air transportation, per diem is limited to the amount that would be payable had the dependent used the GOV'T-procured air transportation.

C5154-J:

J. Employee with an Employee or Uniformed Service Member Spouse/Domestic Partner. An employee whose spouse/domestic partner is another employee or a uniformed service member retains HHG transportation and storage allowances if a PCS order is issued to the employee – even though the other spouse/domestic partner (employee or uniformed member) may also have a PCS order. [B-202023, 4 December 1981](#) and [54 Comp. Gen. 892 \(1975\)](#). JFTR, par. U5012-C for HHG transportation for a uniformed member whose spouse/domestic partner is a civilian employee when both are authorized HHG shipments to the same new PDS.

***Example 1**. An employee and the employee's uniformed member spouse/domestic partner each receive a PCS order. The member's PCS weight allowance is 12,500 lbs per JFTR, par. U5310. The employee's PCS HHG weight allowance is 18,000 lbs net weight per par. C5154-B. Together they may ship 30,500 lbs net weight of HHG – but they may not both be paid or reimbursed for shipping the same HHG. An allowance of up to 2,000 pounds for the employee, exclusive of the 18,000 pounds net weight of HHG shipment, is used for packing weight covering barrels, boxes, cartons, and similar material but does not include pads, chains, dollies and other equipment to load and secure the shipment.

***Example 2.** An employee-married-to-another-employee couple each receives a PCS order. Each employee's PCS weight allowance is 18,000 lbs net weight per pars. C5000-B1a and C5154-B. Together they may ship 36,000 lbs. net weight of HHG – but they may not both be paid or reimbursed for shipping the same HHG. An allowance of up to 4,000 pounds (2,000 pounds per employee), exclusive of the 36,000 pounds net weight of HHG shipment, is used for packing weight covering barrels, boxes, cartons, and similar material but does not include pads, chains, dollies and other equipment to load and secure the shipment. **Further, they may use the combined weight allowances to offset any excess weight incurred by either employee even if both employees separately ship HHG; providing the HHG belong to both employees.** [GSBCA 16608-RELO, 3 August 2005.](#)

C5265:

A. * * * *

B. * * * *

C. Employee with Employee Spouse/Domestic Partner. When both spouses/domestic partners are employees, they may combine their PCS HHG weight allowances if each has a PCS travel order to determine the maximum GOV'T cost liability to move their mobile home when each employee is authorized:

1. A mobile home allowance, and
2. Movement of a mobile home on a PCS order.

NOTE: Only 90 days of storage of the combined weight may be included in the GCC calculation.

D. Employee with Uniformed Member Spouse/Domestic Partner. When one spouse/domestic partner is an employee and the other a uniformed member, and each has a separate PCS order, they may combine their PCS HHG weight allowances to determine the GOV'T's cost liability to transport their mobile home (JFTR, par. U5505-B **NOTE.**)

NOTE: Only 90 days of storage of the combined weight may be included in the GCC.

C5358-A:

A. TQSE Payment

1. Authorized. TQSE *may be paid* in addition to:

- a. COLA payable under the DSSR (5 USC §5941); and
- b. Any BAH, OHA, or BAS paid to a member of the Uniformed Services who is the spouse/domestic partner of an employee authorized PCS expenses and allowances ([52 Comp. Gen. 962 \(1973\)](#)).
- c. TLA (see JFTR, Ch 9, Part C) and TLE (see JFTR, Ch 5, Part H) as long as payments cover different expenses. **Duplication of allowances is not authorized. The couple may not each receive PCS travel and transportation allowance payments for the same purpose or expense** ([54 Comp. Gen. 892 \(1975\)](#)).

2. Unauthorized. TQSE is not paid when the employee is receiving any other subsistence expense allowances (FTR §302-6.16).

C5372-A2:

2. Per Diem Rates. The per diem rates used for computation are:

a. CONUS. **\$123**, Standard CONUS per diem rate (*effective 1 October 2010*).

b. OCONUS (Non-foreign OCONUS and Foreign Areas). The PDS locality (not the lodging location) per diem rate in effect on the days temporary lodging is occupied.

c. First 30 Days

(1) Employee/Unaccompanied Spouse. The daily rate cannot exceed the maximum per diem rate for an employee/unaccompanied spouse/domestic partner (the spouse/domestic partner must occupy temporary lodging in a location separate from the employee's).

(2) Spouse/Domestic Partner Accompanying the Employee. The daily rate cannot exceed 75% of the daily maximum per diem rate for a spouse/domestic partner who accompanies an employee.

(3) Dependent Age 12 or Older. The daily rate cannot exceed 75% of the daily maximum per diem rate for each dependent, other than a spouse/domestic partner, who is age 12 or older.

(4) Dependent under Age 12. The daily rate cannot exceed 50% of the daily maximum per diem rate for each dependent who is under age 12.

NOTE: The maximum daily rates for the first 30 days (based on the daily per diem rate of \$123) in pars. C5372-A2a through C5372-A2d are \$123, \$92.25, \$92.25, and \$61.50, respectively, if the temporary lodging is occupied in CONUS.

d. Second Thirty Days. The maximum allowable daily rate for the second thirty days is:

(1) Employee/Unaccompanied Spouse/Domestic Partner. The daily rate cannot exceed 75% of the daily maximum per diem rate for an employee/unaccompanied spouse/domestic partner (the spouse/domestic partner must occupy temporary lodging in a location separate from employee's).

(2) Spouse/Domestic Partner Accompanying the Employee. The daily rate cannot exceed 50% of the daily maximum per diem rate for a spouse/domestic partner who accompanies the employee.

(3) Dependent Age 12 or Older. The daily rate cannot exceed 50% of the daily maximum per diem rate for each dependent, other than a spouse/domestic partner, who is 12 or older.

(4) Dependent under Age 12. The daily rate cannot exceed 40% of the daily maximum per diem rate for each dependent under age 12.

NOTE: If the temporary lodging is in CONUS, the maximum daily rates for additional days (based on the daily per diem rate of \$116) in pars. C5372-A2a through C5372-A2d are \$92.25, \$61.50, \$61.50, and \$49.20 respectively.

e. 60-120 Days. When the AO authorizes a time extension (in TQSE(AE)) for temporary lodging occupancy beyond the first 60 days (*never to exceed an additional 60 days*), the additional days must be computed at the same rates allowed for the second 30-day period in par. C5372-A2d above. ***The total time period for which TQSE(AE) may be paid may never exceed 120 days.***

C5372-B1:

B. Computation Examples

1. TQSE(AE) Calculation Chart. The Standard CONUS per diem rate (currently \$123) used in the following chart applies when temporary lodging (TQSE(AE)) is in CONUS. Use the applicable locality per diem rate when temporary lodging is located OCONUS. *AEA (Ch 5, Part M) may not be authorized/approved for TQSE(AE).*

Standard CONUS Per Diem Rate	First 30 Days		After 30 Days	
	Formula	Maximum Reimbursement	Formula	Maximum Reimbursement
\$123 (Eff 1 October 2010)				
Employee or Unaccompanied Spouse/Domestic Partner	\$123	\$123	\$123 x 75%	\$92.25
Accompanying Spouse/Domestic Partner	\$123 x 75%	\$ 92.25	\$123 x 50%	\$61.50
Dependent 12 and older	\$123 x 75%	\$ 92.25	\$123 x 50%	\$61.50
Dependent under 12	\$123 x 50%	\$ 61.50	\$123 x 40%	\$49.20

C5450-D:

D. Return of Former Spouse/Domestic Partner and/or Other Dependent (FTR § 302-3.227). Reimbursement for return travel and transportation allowances to the actual residence (see APP A) is authorized:

1. Anywhere in the world for an employee's former spouse/domestic partner and/or former dependent who traveled to the employee's OCONUS PDS as a dependent at GOV'T expense.
2. Reimbursement is authorized if, because of divorce/annulment/committed relationship termination, an individual is no longer a dependent when the employee is eligible for return travel.
3. Travel must begin before the end of the employee's current tour of duty.
4. If an employee is serving under a 1-year, 2-year or 3-year tour agreement, travel for a former dependent must begin before the end of the 1-year, 2-year or 3-year tour during which the divorce/annulment/committed relationship termination was finalized.
5. If the employee is serving under an administrative tour extension, travel for a former dependent must begin before the end of the administrative extension in effect during which the divorce/annulment/committed relationship termination was finalized.

C5885-B3:

3. TQSE(A) for NTE 60 days, to be based on the per diem rate for an unaccompanied spouse/domestic partner and other dependent(s)/immediate family;

APP A, Domestic Partnership Definition:

Effective 28 September 2011

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 the domestic partnership was formed;
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.

NOTE: The definition of 'Domestic partnership' requires that the partners 'share responsibility for a significant measure of each other's financial obligations.' This criterion requires only that there be financial interdependence between the partners and should not be interpreted to exclude partnerships in which one partner stays at home while the other is the primary breadwinner.