GUIDE TO TRAVEL AND REINBURSEMENT OF CIVILIAN WITNESSES FOR UCMJ PROCEEDINGS

Civilian witnesses not in federal employ. A civilian witness who is not a federal government employee and who is compelled or required to testify as a witness before an Article 32, UCMJ preliminary hearing, a Coast Guard court-martial or at a place where a deposition is to be taken for use before such court-martial, shall receive the following:

(a) Attendance fee for each day’s actual attendance and for the time necessarily occupied in going to and returning from the place of attendance.

(b) Per diem as subsistence or actual expense allowance in an amount not to exceed the maximum per diem allowance that could be paid to a civilian employee of the federal government. The subsistence allowance shall follow the per diem guidelines set by the Federal Travel Regulations (FTR). If travel is less than 12 hours or in the local area (within 50 miles) of the traveler’s home, then the witness shall receive local mileage or local transportation reimbursement and per diem is not authorized.

(c) Transportation Expenses:

(i) If travel is by common carrier, the witness (and necessary escort, in the case of a minor or older witness in need of an escort) shall be paid for the actual expenses of travel on the basis of the means of transportation reasonably utilized and the distance necessarily traveled from the place of residence to and from the place of attendance by the shortest practical route. Common carrier by commercial air shall be limited to the available contract city-pair fares. If a contract city-pair fare is not available, then common carrier by commercial air shall be utilized at the lowest available economy fare as determined by the travel authorizing/approving official on orders. Travel expenses shall follow the guidelines set by the FTR.

(ii) If travel is by privately owned vehicle, the witness shall be reimbursed mileage in accordance with the FTR. Rental car reimbursement must be specifically authorized as advantageous to the government following the guidelines contained in the FTR.

(d) Toll charges for toll roads, bridges, tunnels, and ferries; taxicab fares between places of lodging and carrier terminals; and parking fees shall be reimbursed in full to a witness incurring such expenses. Nothing in this section shall be construed as authorizing the payment of attendance fees, per diem allowances, or expenses to a witness for attendance or travel that is not performed as a direct result of being compelled or required to testify, or for travel that is performed prior to being duly summoned as a witness, or for travel returning to their place of residence if the travel from their place of residence does not qualify for payment under this section.

Civilian witnesses in federal employ. A civilian in the employ of the government, when summoned as a witness, shall be issued TAD orders by the convening authority, if necessary, and shall receive the current mileage and per diem allowances for temporary duty travel for civilian federal government employees following the guidelines set by the FTR. If the tribunal is in session in the local area (within 50 miles) of the employee’s primary workplace, the witness shall receive local travel or no allowance as appropriate. If travel is less than 12 hours or in the local area (within 50 miles) of the employee’s primary workplace, then the witness shall receive local mileage or local transportation reimbursement and per diem is not authorized. Because TAD orders are usually issued in lieu of a subpoena, notification of the witness’ superiors by letter is appropriate.

Civilian witness travel claims. Refer to the Personnel and Pay Procedures Manual (PPPM), PPCINST M1000.2(series) for specific travel claim submission procedures and requirements: <http://www.uscg.mil/ppc/3pm.asp>.

(a) Witnesses should have current banking information on file for electronic funds transfer (EFT) with the USCG Finance Center (FINCEN) prior to travel. The EFT enrollment form can be found at: <https://www.fincen.uscg.mil/secure/enrollment_form.cfm>.

(b) Witness attendance fee payment claims (payable only to non-federal government employees) must be sent directly to FINCEN in accordance with FINCEN standard operating procedures.

(c) Claims for per diem allowances and transportation expenses of a civilian witness shall be submitted by the traveler and processed by PPC (TVL) in accordance with the PPPM. The following documents are required to ensure timely and accurate payment:

1. A properly completed and originally signed or certified true copy signed by the approving official of the subpoena (DD Form 453 (if used)) or certificate issued in lieu of subpoena directing the witness to the location of the trial or place of deposition;
2. The approved travel authorization informing the witness of their travel entitlements.
3. A properly completed and approved travel claim (DD Form 1351-2). The claim must be signed by the witness and approved by one of the following:
   1. Trial counsel or assistant trial counsel of a court-martial;
   2. Summary court;
   3. Military or civil officer before whom a deposition is taken; or,
   4. Article 32 UCMJ preliminary hearing officer.

(d) Valid and itemized lodging receipts regardless of cost and valid receipts for any claimed items $75 or over are required.

(e) The claim, prepared on SF 1157, must be accompanied by the subpoena (DD Form 453, and by a certified copy of the order appointing the court-martial or Article 32 preliminary hearing. If, however, a deposition is taken before charges are referred for trial, the fees and mileage of the witness concerned shall be paid upon presentation of a claim, properly completed as previously described, and accompanied by an order from the officer who authorized the taking of the deposition and subscribed by him or her and directing the disbursing officer to pay the witness the fees and mileage supported by the claim. When the civilian witness testifies outside the United States, its territories or possessions, the claim must be accompanied by a certified copy of the order appointing the court-martial or investigation and by an order from the convening authority or appointing authority, subscribed by him or her and directing payment to the witness the fees and transportation supported by the claim.

(f) Claims for local travel are submitted to PPC (TVL) using the SF-1164.