

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

December 16, 2005

GSBCA 16682-RELO

In the Matter of THOMAS G. TUCKER, JR.

Thomas G. Tucker, Jr., San Antonio, TX, Claimant.

Jerry L. Hammons, Chief, Management and Procedures, Travel Pay Services, Defense Finance and Accounting Service, Department of Defense, Indianapolis, IN, appearing for Department of Defense.

GOODMAN, Board Judge.

Claimant, Thomas G. Tucker, Jr., is a civilian employee of the Department of the Army. He has requested that this Board review the agency's denial of reimbursement of temporary quarters subsistence expenses (TQSE) with regard to a permanent change of station (PCS) move.

Factual Background

Claimant was issued travel orders dated March 11, 2004, for a PCS move from Germany to Texas, which he accomplished in June 2004. Claimant submitted a travel voucher requesting reimbursement of \$4926.61 for the cost of renting a furnished apartment and feeding his family from June 25 to July 24, 2004. The agency denied reimbursement, basing its denial on the fact that claimant's travel orders did not authorize reimbursement of TQSE.

Claimant states that he has executed PCS moves at least six times in the last twenty years and had been previously reimbursed for expenses he incurred for temporary quarters, and that he therefore believed he was entitled to reimbursement based on previous practice.

After filing his request for review to this Board, claimant submitted e-mail messages from his commanding officer dated September 7 and October 4, 2004, which claimant interprets as authorization to reimburse TQSE. In response, the agency affirmed its decision to deny reimbursement of TQSE, stating that claimant's travel orders have not been amended to reflect the alleged authorization.

Discussion

Whether to authorize reimbursement of TQSE to a relocating employee is a determination which is wholly within the discretion of the agency involved. TQSE is therefore a discretionary allowance and not an entitlement. Joint Travel Regulation (JTR) C13105; *see Vanessa G. Outenreath*, GSBCA 16316-RELO, 04-2 BCA ¶ 32,681; *Marvin R. McGee*, GSBCA 15829-RELO, 02-2 BCA ¶ 32,002.

Claimant's travel orders did not authorize reimbursement for TQSE. While claimant has submitted information from his commanding officer subsequent to his relocation that he interprets as authorization for reimbursement of TQSE, there is no evidence that claimant's travel orders have been amended.¹ Under the present circumstances we cannot conclude that the agency's determination was an abuse of discretion.

Decision

The claim is denied.

ALLAN H. GOODMAN
Board Judge

¹ *See, e.g., Marilyn A. Robinson*, GSBCA 15902-RELO, 03-1 BCA ¶ 32,230, and cases cited therein (describing circumstances allowing amendment of travel orders).