

# **Board of Contract Appeals**

General Services Administration  
Washington, D.C. 20405

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March 20, 2006

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GSBCA 16803-RELO

In the Matter of LARRY A. HEATH

Larry A. Heath, Shawnee, OK, Claimant.

Gregory W. Woodson, Chief, Customer Service, 72d Comptroller Squadron, Department of the Air Force, Tinker Air Force Base, OK, appearing for Department of the Air Force.

**GOODMAN**, Board Judge.

Claimant, Larry A. Heath, is a civilian employee of the Department of the Air Force. He has requested this Board to review the agency's determination denying reimbursement of temporary quarters subsistence expenses (TQSE) to which claimant claims entitlement as the result of a permanent change of station (PCS) move.

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## Factual Background

In July 2005, claimant was issued travel orders for a PCS move from Eglin Air Force Base, Florida, to Tinker Air Force Base, Oklahoma. He elected to receive TQSE by the fixed method, and the agency authorized reimbursement for thirty days.

He had served at his new duty station previously and owned a home there. The house was vacant and the utilities were not connected. He intended to occupy that home as his permanent residence upon his return, once his household goods (HHG) arrived and the utilities were restored. He shipped his HHG and then traveled to his new duty station. When

he and his wife arrived on August 5, 2005, the utilities had not been turned on. They stayed with his mother, who lived nearby, for three days until the utilities were restored and then moved into their residence.

Claimant submitted a voucher for the payment of his TQSE in the amount of \$3480. The agency denied reimbursement, stating that claimant did not stay in temporary quarters and was therefore not entitled to TQSE.

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#### Discussion

Pursuant to the Federal Travel Regulation (FTR), an agency has the discretion to offer an employee the fixed amount method of TQSE reimbursement for up to thirty days as opposed to the actual expense method. 41 CFR 302-6.200 (2005); JTR C13302. The determinations to offer the fixed amount method of reimbursement and the number of days offered are clearly prospective, and the agency must make those determinations in advance. 41 CFR 302-6.200, -6.304.

If the amount authorized exceeds actual expenses incurred, the balance of the fixed method reimbursement amount belongs to the employee, even if the employee remains in temporary quarters for fewer days than authorized. 41 CFR 302-6.203; *see, e.g., Emile R. Randazzo*, GSBCA 16420-RELO, 04-2 BCA ¶ 32,702; *Jason A. Knapp*, GSBCA 16408-RELO, 04-2 BCA ¶ 32,699. Under fixed TQSE, the employee simply receives the amount authorized and is not required to provide receipts or an accounting of how the TQSE payment was used. JTR C13315.

The agency in this case has denied claimant's request for reimbursement because claimant's supervisor believed that claimant moved directly into his residence at the new duty station and did not occupy temporary quarters. In his initial submission to this Board, claimant stated that he and his wife stayed with his mother at her residence for three days before moving into their residence, until their utilities were restored. He also submitted evidence that he had informed his supervisor of this. Even so, the agency in its response to claimant's claim continues to maintain that claimant moved directly into his residence. We find no reason to question the veracity of claimant's statement that he and his spouse stayed with his mother for three days before moving into their residence.

Temporary quarters are "private or commercial lodgings occupied temporarily after a PCS is authorized." JTR C13310. Claimant's mother's house was temporary quarters for claimant and his wife. Claimant is entitled to received the amount authorized in his travel orders for fixed TQSE. *Randazzo, Knapp*.

Decision

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The claim is granted.

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ALLAN H. GOODMAN  
Board Judge