

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

April 12, 2006

GSBCA 16824-RELO

In the Matter of ELMORE PATTERSON III

Elmore Patterson III, Jackson, MS, Claimant.

Elizabeth Rodriguez, Systems and Procedures Analyst, Travel Policy Division, Department of Veterans Affairs, Washington, DC, appearing for Department of Veterans Affairs.

DeGRAFF, Board Judge.

In the summer of 2005, the Department of Veterans Affairs (DVA) transferred one of its employees, Elmore Patterson III, to a new permanent duty station in Jackson, Mississippi. In connection with the transfer, Mr. Patterson was authorized to be reimbursed for temporary quarters subsistence expenses (TQSE), and he elected reimbursement in accordance with the fixed method. In his submission to us, Mr. Patterson says he moved into his temporary quarters on July 27, which means his thirty days in temporary quarters should have ended on August 26, 2005.¹ Mr. Patterson did not move out of his temporary quarters at the end of thirty days, and asked the DVA to reimburse him for an additional thirty days of TQSE. The DVA decided to deny Mr. Patterson's request and he asked us to review the DVA's decision.

¹ The agency believed Mr. Patterson moved into temporary quarters on July 28, which meant his thirty days there should have ended on August 27. The discrepancy is not material to a resolution of this claim.

The DVA correctly reads the Federal Travel Regulation (FTR) to say that an employee who elects to be reimbursed for TQSE in accordance with the fixed method of reimbursement can be reimbursed for a maximum of thirty days and cannot receive additional reimbursement if the fixed amount is not sufficient to cover the employee's expenses. 41 CFR 302-6.200, -6.202 (2005). Mr. Patterson says these regulatory provisions should not limit his reimbursement because on September 2, 2005, the General Services Administration (GSA) issued Bulletin FTR 05-06, which waived provisions of the FTR regarding TQSE in Mississippi after the state was affected by Hurricane Katrina.

For two reasons, the FTR bulletin does not provide Mr. Patterson with support for his claim. First, the bulletin did not waive all of the FTR provisions related to TQSE. The bulletin waived the requirement that temporary quarters be in reasonable proximity to the new official duty station, and waived the provision which limited the daily reimbursement rate for actual expense reimbursement to the standard CONUS rate. Neither of these waivers has any bearing upon Mr. Patterson's claim. Second, the bulletin provides no support for the claim because its provisions took effect on August 29, 2005, when the hurricane made landfall and the President declared Mississippi a disaster area, and Mr. Patterson's TQSE period expired before August 29.

While we understand that Mr. Patterson, along with many other residents of the area, found himself in difficult circumstances due to the impact of the hurricane, there is no authority in either the regulations or the FTR bulletin to extend his period of TQSE.

MARTHA H. DeGRAFF
Board Judge