

Board of Contract Appeals

General Services Administration
Washington, D.C. 20405

July 13, 2006

GSBCA 16884-RELO

In the Matter of BRIDGET R. DUNLAP

Bridget R. Dunlap, Louisville, KY, Claimant.

JoAnne Rountree, Supervisor, Travel Section, Financial Services Center, Department of Veterans Affairs, Austin, TX, appearing for Department of Veterans Affairs.

DeGRAFF, Board Judge.

In late 2005, the Department of Veterans Affairs (DVA) transferred Bridget R. Dunlap from one permanent duty station to another. In connection with the transfer, DVA authorized Ms. Dunlap to incur thirty days of reimbursable temporary quarters subsistence expenses (TQSE). On the day Ms. Dunlap's household goods were packed in preparation for shipping to her new duty station, she drove to a hotel and spent the night. An internet search shows there were several dozen hotels and motels with addresses in the city where Ms. Dunlap lived. However, Ms. Dunlap spent the night at a hotel sixty-five miles from her old residence. The hotel was approximately 115 miles from her old permanent duty station in a suburb of Washington, D.C., and nearly 500 miles from her new permanent duty station. The claim Ms. Dunlap submitted to DVA for TQSE included her expenses for the day her household goods were packed, including the expense for the hotel.

The Federal Travel Regulation (FTR) in effect when Ms. Dunlap transferred said an employee had to occupy temporary quarters within reasonable proximity of the old duty station or the new duty station. The regulation also said an employee would not be reimbursed for occupying temporary quarters at any other location, unless justified by special circumstances reasonably related to the transfer. 41 CFR 302-6.8 (2005). For purposes of

determining an employee's eligibility for TQSE reimbursement, the FTR defined an employee's duty station as the corporate limits of the city or town where the employee was stationed or, if not an incorporated city or town, the established area having definite boundaries where the employee was stationed. 41 CFR 300-3.1.¹

DVA decided the hotel where Ms. Dunlap spent the night was not within reasonable proximity of either her old or her new duty stations, and it did not find any special circumstances reasonably related to the transfer which justified Ms. Dunlap occupying temporary quarters where she did. DVA considered whether it could reimburse Ms. Dunlap for her expenses as an additional day of en route travel expenses, but determined it could not do so because she had not traveled the minimum 300 miles required in order to qualify the day as an authorized en route travel day. 41 CFR 302-4.201. DVA denied Ms. Dunlap's request for reimbursement for the one day of TQSE.

Ms. Dunlap asks us to review DVA's decision. She does not contend that she should be reimbursed for her expenses as part of her en route travel expenses. Ms. Dunlap takes the position that DVA ought to reimburse her because the hotel was within reasonable proximity of her old residence. According to the FTR, however, the distance between an employee's temporary quarters and the employee's old residence is not, by itself, a relevant consideration in deciding whether the employee is eligible to be reimbursed for TQSE.

According to the FTR, DVA can reimburse Ms. Dunlap if the hotel where she spent the night was within reasonable proximity of either her old duty station or her new duty station. The regulation does not contain any hard and fast rule regarding what constitutes reasonable proximity. Instead, it allows agencies to exercise their discretion and take into account a variety of factors when deciding what is reasonable. The hotel where Ms. Dunlap stayed was 115 miles from her old duty station, which was located in the heavily populated mid-Atlantic region where hotels were readily available, and nearly 500 miles from her new duty station. Taking into account the distances involved and the availability of overnight lodging, DVA reasonably concluded that Ms. Dunlap's temporary quarters were not within reasonable proximity of either of her duty stations.

Even though Ms. Dunlap's temporary quarters were not within reasonable proximity of either of her duty stations, the FTR allows DVA to reimburse her expenses so long as

¹ Ms. Dunlap says the FTR does not apply to her. The regulation applies to employees of federal agencies who transfer in the interest of the Government from one duty station to another for permanent duty. 41 CFR 302-1.1. Because Ms. Dunlap is such an employee, the FTR applies to her.

special circumstances reasonably related to the transfer justified her staying where she did. Ms. Dunlap has not given DVA an explanation which establishes that her choice of hotels was due to special circumstances related to the transfer, and not a choice made for personal reasons unrelated to the transfer. Unless Ms. Dunlap can provide DVA with an acceptable explanation which shows there were special circumstances reasonably related to the transfer which justified the location of her temporary quarters, DVA cannot pay her claim for the one day of TQSE.

The claim is denied.

MARTHA H. DeGRAFF
Board Judge