



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

May 1, 2007

CBCA 643-RELO

In the Matter of DEREK M. SIEGLE

Derek M. Siegle, Concord, OH, Claimant.

Karyn R. Jones, Acting Chief, Accounting Section, Finance Division, Federal Bureau of Investigation, Washington, DC, appearing for Department of Justice.

PARKER, Board Judge.

The Department of Justice's Federal Bureau of Investigation (FBI) asks whether it may pay as a miscellaneous expense tuition payments that were forfeited by Assistant Special Agent in Charge Derek M. Siegle when he transferred from one duty station to another. The answer is no, because the applicable statutes and regulations do not authorize such a reimbursement.

Background

Special Agent Siegle was transferred from Washington, D.C., to Cleveland, Ohio, in January 2006. On his itemized miscellaneous expense voucher, Agent Siegle claimed forfeited tuition payments in the amount of \$1625. The amount was for payments due on March 15 and April 15 pursuant to a contract Special Agent Siegle entered into with a private school attended by his daughter. Special Agent Siegle's daughter reported to Cleveland with him on March 20 and did not complete the school year in Washington, D.C., but the school would not prorate the tuition.

Discussion

The miscellaneous expenses allowance (MEA) is for defraying various costs associated with discontinuing residence at one location and establishing residence at a new

location in connection with a permanent change of station. 41 CFR 302-16.1 (2006). The MEA “is related to expenses that are common to living quarters, furnishings, household appliances, and to other general types of costs inherent in relocation of a place of residence.” *Id.* 302-16.2. Reimbursable expenses include, but are not limited to, costs incurred in connection with appliances; rugs, draperies and curtains; utilities; medical, dental, and food locker contracts; private institutional care contracts; and transportation of pets. *Id.* 302-16.1.

Although the Board has never addressed the issue of forfeited tuition payments, the Comptroller General, one of the Board’s predecessors in deciding claims for relocation expenses by federal employees, had long held that tuition expenses do not come within any of the categories enumerated in the travel regulations and are not expenses that are common to living quarters, furnishings, and household appliances. *Jeanette B. Wilbanks*, B-162828 (Nov. 16, 1967) (claim for transferred employee’s daughter’s forfeited tuition denied); *see John A Lund, Jr.*, B-192741 (Jan. 17, 1979).

We think the Comptroller General’s interpretation of the regulations concerning miscellaneous expenses, which have remained virtually unchanged during the forty years since *Wilbanks* was decided, makes sense, and we will follow it. Although the list of reimbursable expenses in 41 CFR 302-16.1 is not intended to be exhaustive, it is instructive, and not every expense incurred as a result of a transfer is reimbursable. *See Byron P. Franz*, CBCA 644-RELO (Apr. 17, 2007), and cases cited therein. Forfeited tuition expenses are not similar to the listed examples of reimbursable expenses. Nor are they, as the Comptroller General opined, common to living quarters, furnishings, and household appliances. The authors of regulations governing relocation by federal employees have had forty years since *Wilbanks* to change the regulations but chose not to do so. Under the circumstances, we see no compelling reason to alter the longstanding rule.

Decision

The FBI may not reimburse Special Agent Siegle for his daughter’s forfeited tuition payments.

ROBERT W. PARKER
Board Judge