



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 11, 2009

CBCA 1319-RELO

In the Matter of COLIN McGAUGHEY

Colin McGaughey, Sandy, OR, Claimant.

Deanna M. Trospen, Relocation Specialist, Western Finance Branch, National Oceanic and Atmospheric Administration, Department of Commerce, Seattle, WA, appearing for Department of Commerce.

**SHERIDAN**, Board Judge.

Claimant, Colin McGaughey, asks that we review his agency's denial of his request for reimbursement of expenses associated with renting a car during the sixty days he was authorized temporary subsistence quarters expenses (TSQE) at his new duty station. Because the agency properly had not authorized the use of a rental car, we affirm the agency's denial of the claim.

Background

Claimant is a consumer safety officer with the National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, who was issued permanent change of station (PCS) orders from Pago Pago, American Samoa, to Portland, Oregon. The PCS travel orders noted that, among other things, "employee will be on Temporary Quarters [not to exceed] 60 days and authorized a misc[ellaneous] allowance of \$1000." The orders did not authorize a house-hunting trip or a rental car. Claimant and his family flew from Pago Pago and arrived at his new duty station in Portland on May 31, 2008. While in temporary quarters claimant rented a car from May 31 through July 31, 2008, incurring expenses of \$2113.13 for car rental and \$637.75 for gas expenses.

NOAA received claimant's TQSE claim, associated with the first thirty days of temporary duty, on July 29, 2008, and disallowed expenses related to various non-food expenses including gas charges. Claimant's second TQSE claim, relating to the second thirty days of temporary duty, was received on August 18, 2008, and NOAA disallowed expenses related to various non-food expenses including car rental and gas charges.<sup>1</sup>

Claimant asks us to review the agency's refusal to reimburse him for \$2750.88 he incurred in car rental (\$2113.13) and gas (\$637.75) expenses.

### Discussion

In rejecting Mr. McGaughey's claim, the agency relies on Federal Travel Regulation (FTR) 302-6.2, which reads in part: "TQSE does not include local transportation expenses incurred during occupancy of temporary quarters . . . ." 41 CFR 302-6.2 (2008). This provision also refers to a related provision, FTR 302-6.18, which reads:

#### **May I be reimbursed for local transportation expenses incurred while I am occupying temporary quarters?**

Generally no; local transportation expenses are not TQSE, and there is no authority to pay such expenses under TQSE. You may, however, be reimbursed under part 301-4 of this subtitle for necessary transportation expenses if you perform local official business while you are occupying temporary quarters.

41 CFR 302-6.18.

The FTR allows an agency to authorize an employee to incur reimbursable rental car expenses if the rental car is used to transact official business and if the use of a rental car is advantageous to the Government. 41 CFR 302-2.2, -10.4, -10.450. An agency is not allowed to reimburse an employee's for rental car expenses when the rental car is used for the employee's commute to and from work while the employee is in temporary quarters. 41 CFR 302-6.18.

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<sup>1</sup> The second claim also included miscellaneous expenses which were reimbursed and some expenses relating to a real estate purchase which were disallowed. The disallowed real estate expenses are not the subject of this claim.

Federal employees are not entitled to be reimbursed for car rental expenses at a new duty station, even where the agency, in an attempt to recognize the longer time required to ship the employee's vehicle during a transfer from an outside the continental United States (OCONUS) location to inside the continental United States (CONUS), has mistakenly authorized use of a rental car at the new duty station while on TQSE. *Daniel M. Robers*, GSBICA 15525-RELO, 01-2 BCA ¶ 31,454; *Michael L. Noll*, GSBICA 15136-RELO, 00-1 BCA ¶ 30,887.

Nothing in the record indicates that claimant needed a rental car for purposes of conducting official business in the Portland area.<sup>2</sup> We find the agency's reliance on the FTR provisions it cites to be well placed and entirely in accordance with the many rulings made on similar claims. *Marsha K. Harrington-Evans*, CBCA 1003-RELO, 08-2 BCA ¶ 33,876; *Patrick O. Walsh*, GSBICA 16243-RELO, 04-1 BCA ¶ 32,520 (2003); *Thomas Slonaker*, GSBICA 15425-RELO, 01-2 BCA ¶ 31,447; *Jacqueline Williams*, GSBICA 15026-RELO, 99-2 BCA ¶ 30,538; *Brian P. Garriffa*, GSBICA 13798-RELO, 97-2 BCA ¶ 29,033; *Thomas S. Ward*, GSBICA 13825-RELO, 97-1 BCA ¶ 28,955.

We conclude that the agency acted reasonably and in accordance with regulations when it rejected Mr. McGaughey's claim for car rental and gas expenses.

### Decision

The agency determination is affirmed and the claim denied.

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PATRICIA J. SHERIDAN  
Board Judge

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<sup>2</sup> Claimant asserts the rental car was used for house-hunting, but the travel orders did not authorize house-hunting expenses and the FTR does not allow for house-hunting trips for PCS transfers from an OCONUS station to a CONUS station. 41 CFR 302-3.101 tbl. C.