



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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February 22, 2018

CBCA 5798-RELO

In the Matter of RODELIO A. JAPON

Rodelio A. Japon, Okinawa, Japan, Claimant.

Christina Browning, Assistant Regional Counsel, Navy Region Japan/Naval Forces Japan, FPO Area Pacific, appearing for Department of the Navy.

**DRUMMOND**, Board Judge.

Rodelio Japon (claimant) was an active duty member of the United States Navy stationed in Okinawa, Japan, between 2011 and 2016. Claimant retired from active duty on February 28, 2017, received return benefits for a trip home to Guam, and later moved to Davao City, Philippines. He then applied and was accepted for a civilian position with the United States Naval Dental Clinic in Okinawa, Japan, in July 2017. The reporting date at his new permanent duty station (PDS) was September 18, 2017. Pursuant to his transfer to his new PDS, claimant applied for a miscellaneous expense allowance (MEA) and transportation and storage costs for household goods (HHG), as well as a temporary quarters subsistence allowance (TQSA) and living quarters allowance (LQA). In July 2017, the Department of the Navy (agency) determined that claimant was a “local hire” and therefore ineligible for a service agreement that would provide MEA, shipment and storage of HHG, and transportation expenses. Claimant submitted his claim to the Board on July 21, 2017, requesting review of the agency’s decision to deny the various benefits. The claimant did not explicitly request review of his entitlement to predeparture subsistence expenses.

Since the time Mr. Japon filed this claim with the Board, the agency has reversed its determination that he is a local hire. It now finds him eligible for a service agreement that would provide MEA, shipment and storage of HHG, and transportation expenses. The agency revised its decision, as claimant resided in the Philippines, not locally in Japan. Based on this finding, on August 28, 2017, the agency executed DD Form 1614 (“first form”) authorizing payment for temporary and non-temporary storage of HHG, MEA, transportation

costs for Mr. Japon and his dependent, as well as per diem. On September 22, 2017, the agency issued revised DD form 1614 (“second form”). On the second form, the agency did not authorize predeparture subsistence expenses and LQA. Only these two items are here in dispute. Although the agency properly contends that claimant cannot recover the former, the Board cannot resolve that matter, which claimant could not have raised at the time he submitted this matter to the Board, and the Board lacks authority to resolve the latter.

### Discussion

#### Predeparture Subsistence Expenses

In his filing with the Board, Mr. Japon seeks for the first time predeparture subsistence expenses. Predeparture subsistence expenses are an element of a foreign transfer allowance (FTA). DSSR 241.2(c). Only personnel transferring from “a post in the United States to a post in a foreign area” may qualify for reimbursement of an FTA. *Id.* The “United States” is specifically defined as “the several States of the United States of America, including Alaska and Hawaii, the District of Columbia, its territories or possessions, the Commonwealth of Puerto Rico and the Commonwealth of the Northern Mariana Islands.” *Id.* 241.1(c). The barrier to reimbursement, as the agency notes in its opposition, is that Mr. Japon did not depart from the United States but from the Philippines. However, this issue is not properly before the Board because it was not “first . . . filed with the claimant’s own department or agency.” Board Rule 401(c) (48 CFR 6104.401(c)(2016)).

#### LQA

This Board has authority to settle “claims involving expenses incurred by Federal civilian employees for official travel and transportation, and for relocation expenses incident to transfers of official station.” *Antonio K. Hubbard*, CBCA 3066-RELO, 13 BCA ¶ 35,356, at 173,534. The Board has repeatedly held that we are not authorized by the Administrator of General Services under 31 U.S.C. § 3702 to hear LQA claims, since such claims are not travel, transportation, or relocation expenses. *Willie J. Chandler*, CBCA 5286-RELO, 16-1 BCA ¶ 36,348, at 177,209 (“[LQA] is instead a species of federal employee compensation that falls within [the Office of Personnel Management’s] settlement authority”); *John M. Pemberton*, GSBCA 15372-TRAV, 01-2 BCA ¶ 31,541, at 155,713; *Donald E. Guenther*, GSBCA 14032-RELO, 97-1 BCA ¶ 28,795, at 143,640. Accordingly, since we cannot reach the merits of claimant’s entitlement to LQA, we dismiss this aspect of the action.

Decision

The claim is dismissed.

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JEROME M. DRUMMOND  
Board Judge