



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

February 6, 2007

CBCA 511-RELO

In the Matter of MICHAEL V. LOPEZ

Michael V. Lopez, Lowden, IA, Claimant.

Carrie Schaffer, Senior-Attorney Advisor, Civilian Personnel Advisory Center, Defense Finance and Accounting Service, Rock Island, IL, appearing for Department of the Army.

BORWICK, Board Judge.

Claimant, Michael V. Lopez, a retired federal employee who was employed by the United States Army, agency, contests the agency's denial of reimbursement of temporary quarters subsistence expenses (TQSE) and the miscellaneous expense allowance (MEA) arising from his overseas separation travel from Hawaii to Iowa. The agency denied reimbursement of those expenses because under statute and regulation those expenses are reimbursable only when an employee is relocating pursuant to a permanent change of station (PCS), not relocating for separation. We deny the claim. In reaching its determination, the agency correctly applied statute and the governing regulations, i.e., the Federal Travel Regulation (FTR) and the Joint Travel Regulations (JTR). An erroneous travel authorization that purported to grant claimant reimbursement of the MEA does not enlarge claimant's entitlement beyond the limits established by statute and regulation.

Background

Claimant was an equipment specialist with the United States Army Tank and Armaments Command, permanently stationed in Honolulu, Hawaii. On or about September 14, 2004, claimant submitted to the agency a request for separation--by retirement--from the

federal service, with an effective date of October 31, 2004. On September 23, 2004, the agency authorized claimant's travel from Honolulu to Rock Island, Illinois, for the purpose of returning from overseas for separation. Claimant's final destination was Lowden, Iowa, which is about forty-five miles distant from Rock Island. The agency did not authorize reimbursement of TQSE. Block 16 of the authorization granted claimant the MEA, as well as reimbursement of other benefits.

Claimant left Hawaii for Iowa on or about October 22, 2004. On or about November 9, 2004, the agency issued a Standard Form 50 acknowledging claimant's retirement with an effective date of October 31. On or about December 30, 2004, claimant submitted to the agency a reimbursement voucher claiming reimbursement of certain expenses for his authorized travel from Honolulu to Rock Island. Claimant sought reimbursement of \$1000 for the MEA and \$749 for TQSE incurred from October 22 through 31, 2004. The agency disallowed reimbursement of those expenses and claimant challenges the agency's disallowance at the Board.

Discussion

An employee who travels on an authorized PCS in the interest of the Government may receive, upon the agency's approval, reimbursement of TQSE and the MEA. 5 U.S.C. §§ 5724, 5724a (2000). However, claimant's travel was for the purpose of returning to the continental United States from overseas--Hawaii--for separation. Such a trip is not considered PCS travel for the purpose of satisfying statutory requirements. *William D. Dooley*, GSBCA 16107-RELO, 04-1 BCA ¶ 32,451 (2003); *Frederick J. Barth*, GSBCA 15432-RELO, 01-1 BCA ¶ 31,331. Instead, employees who are authorized return from overseas for separation receive the less generous package of benefits which new appointees receive. Those benefits do not include reimbursement of TQSE or the MEA. 5 U.S.C. §§ 5722, 5724(d); 41 CFR 302-6.5, -16.3; JTR C5085 (2004). In refusing to pay claimant for the MEA and TQSE incurred, the agency followed statute and regulation.

Claimant maintains that the agency authorized MEA and that he is entitled to reimbursement of the MEA for that reason. The agency's authorization for reimbursement of the MEA was erroneous, as payment of the MEA would violate statute and regulation. It is settled that an erroneous authorization does not enlarge an employee's entitlement beyond the limits established by statute or regulation. *Dooley; Barth*. The Board must deny the claim.

ANTHONY S. BORWICK
Board Judge