



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 22, 2008

CBCA 1186-RELO

In the Matter of CHARLES W. BELL

Charles W. Bell, Denison, TX, Claimant.

Anne M. Schmitt-Shoemaker, Deputy Director, Finance Center, United States Army Corps of Engineers, appearing for the Department of the Army.

SHERIDAN, Board Judge.

Claimant, Charles W. Bell, a maintenance worker with the United States Army Corps of Engineers (USACE), seeks reimbursements associated with permanent change of station (PCS) travel orders. We dismiss CBCA 1186-RELO as a claim which is not yet ripe for review.

Background

On November 5, 2007, claimant was issued PCS travel orders authorizing travel from Clayton, Oklahoma, to Denison, Texas. Among other things, sixty days of temporary quarters subsistence expense (TQSE) and household goods (HHG) shipment were authorized.

On January 3, 2008, claimant submitted a travel voucher seeking \$397.38 for lodging costs from November 26 through November 30, 2007; \$195 for meals from November 26 through November 30, 2007; \$2546.28 for TQSE expenses; \$60.60 for weight slips; \$3340 for shipping of HHG; \$88 for stowage of HHG; and \$1000 for miscellaneous expenses. Regarding the voucher expense of \$2546.28 for TQSE expenses, claimant attached a worksheet (DD Form 2912) showing a breakdown of thirty days of lodging, meals, and laundry expenses for December 1 through December 30, 2007, and in the remarks section of the worksheet stated: "Receipt #1086 shows \$1100 for first and last month rent amount paid for December and January for the 60 days allowed for temporary quarters."

Other documentation in the record included “receipt 1086,” dated November 19, 2007, in the amount of \$1100, on which it is noted it is “for 1st + last months rent for Kelly Fritzarell - 1425 W. Day, W. Lawrence Evans PC” and is signed by “J. Butler.” “Receipt 8684,” dated November 19, 2007, in the amount of \$88, notes “Pro rate Nov 07 + Dec 07 + \$20.00 deposit, due again Jan 1st 2008,” with the signature illegible. The lease pertaining to the \$88 receipt is in the record and was executed by claimant with Texoma Boat, R.V. & Mini Storage on November 19, 2007, for locker room C2-44. The record contains several tickets issued by Certified Automated Truck Scale showing various weights. None of the tickets contains information tying the tickets to claimant. “Receipt 289987,” dated November 20, 2007, and “Receipt 289992,” dated December 13, 2007, “for packing and moving furniture from Clayton, OK to Denison, TX,” are each for payment in the amount of \$1670 and signed by Enrique Casillas.

On February 26, 2008, the agency wrote claimant stating:

In receipt of your PCS claim for TQSE and household goods move. We cannot process this claim without a valid receipt for lodging and household goods. A valid receipt must contain the name, address, and telephone number for the company/individual you are renting from. Also, the household goods, the number of pounds moved, the storage and TQSE lodging must have a copy of the rental/lease agreement, when this is provided the claim can be processed.

On June 24, 2008, the Board contacted the parties because the items and amounts for which the claimant sought payment were unclear from the record. The record contains copies of some receipts, but is otherwise incomplete. The agency responded that currently the claimant has not been reimbursed for any of the above-listed items, and noted:

The claim was being reviewed and we contacted Mr. Bell. He was informed that additional information was needed and was provided the appropriate regulations regarding the request. We thought Mr. Bell would respond and/or provide the information needed to process the voucher in its entirety; however, Mr. Bell decided to file an appeal rather than respond.¹

¹ The agency indicated that based on the documentation it had received it considered certain items “allowable,” but other items it questioned and sought additional information from the claimant.

Discussion

The problem here is that the claimant has not submitted the documentation requested by USACE. The USACE has not yet completed its review of the claim and made its initial adjudication of the claim. Rule 401(c) of the Board's Rules of Procedure provides that any claim for entitlement to travel or relocation expenses must first be filed with the claimant's own agency and the agency must initially adjudicate the claim. The appeal is premature in view of the absence of an agency adjudication of the claim, and we are, therefore, dismissing this case and remanding it to the agency for initial adjudication. *Dennis J. Fitzgerald*, GSBCA 16434-TRAV, et al., 04-2 BCA ¶ 32,800; *George Oliver*, GSBCA 14550-TRAV, 98-2 BCA ¶ 29,800.

It is apparent from the correspondence and the record that the claimant does not regularly travel or relocate for the agency and is unfamiliar with the type of documentation the agency would typically require for reimbursement of travel and relocation expenses. We caution the claimant that the likelihood of receiving a favorable determination would be enhanced if he provides the documentation requested by the agency. The fact that some documentation may be difficult to obtain should not stop the claimant. An agency correctly denies travel and relocation expenses that are not properly substantiated by sufficient documentation. That being said, because the claimant seems unfamiliar with travel and relocation policies, the agency should work proactively with the claimant to explain on each expense what types of documentation will satisfy its needs and allow it to properly reimburse the claimant for that expense. If certain requested documentation is unobtainable, the agency should work with the claimant to devise what alternative documentation might be accepted to prove a particular expense was properly incurred and allowable.

Decision

We dismiss CBCA 1186-RELO as a claim which is not yet ripe for review.

PATRICIA J. SHERIDAN
Board Judge

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Regarding the voucher expense of \$2546.28 for TQSE, claimant attached a worksheet (DD Form 2912) showing a breakdown of thirty days of lodging, meals, and laundry expenses for December 1 through December 30, 2007, and in the remarks section of the worksheet stated: "Receipt #1086 shows \$1100 for first and last month rent amount paid for December and January for the 60 days allowed for temporary quarters."