



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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July 18, 2013

CBCA 3302-RELO

In the Matter of JAMES E. MCDANIEL

James E. McDaniel, Incirlik Air Base, Turkey, Claimant.

Charlotte A. Kinser, Human Resources Officer, Civilian Personnel Section, Department of the Air Force, Incirlik Air Base, Turkey, appearing for the Department of the Air Force.

MCCANN, Board Judge.

Claimant has asked this Board to overturn a decision by the agency denying him a pre-departure foreign transfer allowance (FTA). We deny his request.

Background

Claimant, James E. McDaniel, is a civilian Work/Life Specialist for the Air Force assigned to Incirlik Air Base, Turkey. Previously he worked for the Army as a local hire in Grafenwoehr, Germany. On August 14, 2012, he received permanent change of station (PCS) orders to move from Germany to Incirlik Air Base, Turkey. Before transferring, he moved into a base hotel so that he could have his household goods (HHG) shipped.

Claimant stayed in a hotel on the military base in Grafenwoehr, Germany, from September 24, 2012, to October 21, 2012. On October 9, 2012, and again on October 11, 2012, he was informed by email from the Incirlik Civilian Personnel Office (CPO) that he could be reimbursed for his pre-departure expenses for up to ten days under the FTA.

Claimant contends that he made financial decisions to move to a hotel on the base prior to his PCS move to Turkey based on the October 9 and 11, 2012, emails indicating that he would receive ten days of FTA. These emails were received fifteen and seventeen days after he had moved. Recently, in a letter to the Board dated May 13, 2013, claimant asserted that he was told telephonically by the Incirlik CPO that he was entitled to ten days of FTA well in advance of October 10, 2012.

### Discussion

Claimant contends that he is entitled to be reimbursed for ten days of FTA consisting of hotel lodging costs and other expenses because he received incorrect advice that he was entitled to FTA.

Pre-departure FTA is defined as:

a predeparture subsistence expense portion applicable to lodging, meals (including tips), laundry, cleaning and pressing expenses in temporary quarters for employee and each member of family for up to 10 days before final departure from a post in the United States to a post in a foreign area, beginning not more than 30 days after they have vacated residence quarters. Expense of local transportation is not allowable.

DSSR 241.2(c) (emphasis added). Since claimant was departing from Germany and not the United States, he is not entitled to FTA pre-departure.

Even if claimant did rely on incorrect representations made by government employees that he was entitled to FTA, he could not recover. This Board has long recognized that an agency cannot expand employee entitlements that are not authorized by statute or regulation. We have repeatedly held that detrimental reliance on erroneous advice from a government official will not confer on a claimant entitlement to recovery, where there is no authority under statute and regulation for the relief being sought. *Kristin L. Loer*, CBCA 2155-RELO, 11-1 BCA ¶ 34,700; *Carl H. Welborn, Jr.*, CBCA 2151-RELO, 11-1 BCA ¶ 34,650 (2010); *Barbara A. Maloney*, CBCA 2023-RELO, 10-2 BCA ¶ 34,593; *Romeo Ayalin III*, CBCA 1533-RELO, 09-2 BCA ¶ 34,218.

Decision

For these reasons, claimant's appeal of the agency determination is denied.

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R. ANTHONY MCCANN  
Board Judge