



UNITED STATES  
CIVILIAN BOARD OF CONTRACT APPEALS

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April 2, 2013

CBCA 3075-RELO

In the Matter of LATEASHA T. GOINS

Lateasha T. Goins, APO Area Europe, Claimant.

Iлона M. Keller, Human Resources Specialist, Employment Compensation and Benefits Division, Civilian Personnel Directorate, Department of the Army, APO Area Europe, appearing for Department of the Army.

**STERN**, Board Judge.

Background

On June 14, 2012, the Department of the Army (Army) authorized claimant's transfer from Las Vegas, Nevada, to Vilseck, Germany. The orders required claimant to report to duty in Germany not later than July 29, 2012. Among other items, the Army authorized reimbursement of the foreign travel allowance (FTA) for lodging and meals while in temporary quarters prior to transfer.

On July 10, 2012, claimant moved her family to a hotel near the Las Vegas airport to allow movers to pack and ship her household goods. Claimant and her family remained in the hotel near the airport through July 19, 2012. Claimant stayed in other hotels until July 22, 2012, in order to deliver her car to Los Angeles for shipment overseas. Claimant then returned to the Nevada hotel in anticipation of departure for Germany on July 28, 2012. There was a delay, however, in securing a passport for claimant's son, resulting in a postponement of her departure until August 7, 2012. Both the Army and claimant agree that

the passport application was timely submitted and that the passport delay was not claimant's fault.

The Army paid claimant for ten days of FTA that the Army states was to reimburse claimant for the time that she was in temporary quarters just prior to her departure. The Army states that the period covered for FTA reimbursement is from July 22 to August 6, 2012. The Army does not explain why it describes this period of sixteen days and fifteen nights as a ten-day period. Claimant seeks payment for ten additional days of FTA for the period from July 10 to July 19, 2012, in the amount of \$1348.28. (The Board calculates this period as nine days.) Claimant does not seek reimbursement for her expenditures from July 19 through July 22, 2012. The Army denied the claim on the basis that the ten day time frame for which claimant seeks reimbursement is during a period well before the ten-day period during which expenses for FTA are generally paid by the Army for an employee transferring to an overseas assignment. The Army submits that under the regulations it can only authorize an FTA payment beginning on July 19, 2012. (In any event, we calculate the period of ten days prior to claimant's planned departure on July 28, 2012, to commence on July 18, 2012.) The Army argues that only the ten-day period immediately prior to departure is authorized for FTA reimbursement.

### Discussion

Statute authorizes the payment of certain expenses incurred by an employee in the United States prior to that employee's transfer to a foreign country (FTA). 5 U.S.C. § 5924(2)(A) (2006). This authority has been delegated to the Secretary of State, who implements the statute through the Department of State Standardized Regulations (DSSR). The Defense Department's Joint Travel Regulations (JTR) provide for reimbursement of its employees of pre-departure subsistence expenses pursuant to the DSSR. JTR C1004-C.

The DSSR authorizes a pre-departure subsistence expense reimbursement for an employee and his or her 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." DSSR 241.2.c. Payment beyond the ten-day limit is allowed if, "in the agency's judgment unusual circumstances cause an employee or family member to be unable to travel to the foreign post" within the ten-day limit. DSSR 242.3.c. The DSSR sets forth the failure to obtain a passport for travel, in spite of the submittal of a timely passport application, as an example of a basis to approve FTA expenses for a period in excess of ten days.

The DSSR permits FTA payments for periods beginning not greater than thirty days after vacating the employees premises. Claimant's FTA expenses that she incurred

beginning July 10, 2012, are within the thirty-day time frame and are valid FTA expenses under the regulations. Claimant's incurrence of additional FTA expenses were a result of unusual circumstances, as set forth by the DSSR. Any expenses claimant incurred after July 28, 2012 (her original planned day of departure), are expenses that the Army may consider for reimbursement under the "unusual circumstances" exception set forth in the regulations. Under the facts before us, therefore, the Army has the authority under the regulations to pay claimant's additional FTA expenses.

#### Decision

With this guidance, the matter is returned to the Army for a decision as to whether, in its judgment, the claimant is entitled to reimbursement of her additional FTA expenses.

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JAMES L. STERN  
Board Judge