



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

October 20, 2014

CBCA 3828-RELO

In the Matter of JERRY L. SORENSEN

Jerry L. Sorensen, Hanscom Air Force Base, MA, Claimant.

Gregory A. Hansel, Chief, Civ PDT/AETC/AFSPC/USAFA Processing, Air Force Financial Services Center, Ellsworth Air Force Base, SD, appearing for Department of the Air Force.

DANIELS, Board Judge (Chairman).

The Department of the Air Force transferred Jerry L. Sorensen from Arizona to Massachusetts in April 2013. Due to a series of administrative errors, the Air Force did not issue orders for this transfer until November 2013, and it refused to begin processing Mr. Sorensen's vouchers for relocation benefits until after the orders had been issued. By now, most of those benefits have been provided. Three matters remain unresolved, however:

- (1) Should Mr. Sorensen be reimbursed for a househunting trip (HHT)?
- (2) Should he be reimbursed for temporary quarters subsistence expenses (TQSE) he claims that he, his wife, and his children incurred while living in Arizona after selling their home in that state?
- (3) Should he be reimbursed for TQSE he claims that his family incurred after moving to Massachusetts?

Background

In March 2013, the Air Force directed Mr. Sorensen to begin work in Massachusetts on April 22 of that year. He drove from Arizona to Massachusetts, leaving on April 4 and arriving on April 9, moving his household goods with him. He then returned to Arizona by air on April 12, completed his work assignments there during the following week, and then traveled by air to Massachusetts to begin work on the appointed date.

Mr. Sorensen sold his home in Arizona and moved his family into temporary quarters in that state on March 8. He claims entitlement to TQSE from March 8 to April 3 for himself and four dependents, and from April 4 to April 6 for three dependents. He leased an apartment in Massachusetts and resided there upon his arrival in that state. He claims entitlement to TQSE from June 6 to July 5.

Mr. Sorensen maintains that the apartment he rented in Massachusetts was always intended to be temporary quarters. In support of this position, he has supplied copies of electronic mail correspondence with realtors from November 2013 to March 2014 which demonstrates that during this period, he and his wife were seeking to purchase a house. The Air Force contends that the apartment was a permanent residence.

The permanent change of station orders which were issued to Mr. Sorensen in November 2013 authorize reimbursement for a HHT and actually-incurred TQSE for thirty days.

Discussion

A househunting trip is “a trip made by the employee and/or spouse to [the employee’s] new official station locality to find permanent living quarters to rent or purchase.” 41 CFR 302-5.1 (2012). There is no evidence in our record that Mr. Sorensen or his wife ever traveled to Massachusetts, prior to relocating there, to find permanent living quarters. Consequently, although his orders authorize a HHT, he never made one and therefore cannot receive reimbursement for such a trip. He did travel to Massachusetts, in early April 2013, for the purpose of moving his household goods, and he has been reimbursed for expenses he incurred in making that journey. Travel to move household goods is not a HHT, however, and even if it were, an employee may not be reimbursed twice for making a single trip. The flight from Arizona to Massachusetts was not for the purpose of househunting, either; it was to begin work at the new duty station.

TQSE are “subsistence expenses incurred by an employee and/or his/her immediate family while occupying temporary quarters.” 41 CFR 302-6.2. If an agency authorizes a

TQSE allowance, it “must specify the period of time allowed for [the employee] to occupy temporary quarters.” *Id.* 302-6.7(a). The Air Force authorized Mr. Sorensen to receive TQSE while occupying temporary quarters for a period of thirty days. Mr. Sorensen’s family occupied temporary quarters for thirty days in Arizona, after selling his house there and before moving to Massachusetts. He is therefore entitled to TQSE for the entire period claimed in Arizona.

The amount he should receive is in dispute. The Federal Travel Regulation dictates that the maximum daily amount an employee claiming actual TQSE may receive for the first thirty days in temporary quarters is “the applicable per diem rate” for the employee, three-quarters of that rate for the employee’s spouse and each of his children age twelve or older, and half of that rate for each of his children under the age of twelve. 41 CFR 301-6.100. The “applicable per diem rate” for temporary quarters in the continental United States (CONUS) is the standard CONUS rate. *Id.* 302-6.102. That rate, at the time of Mr. Sorensen’s transfer, was \$83 for lodging and \$46 for meals and incidental expenses. Mr. Sorensen says that he and his family incurred, each day, costs of \$42.50 for lodging, \$45 for breakfast, \$65 for lunch, and \$74.99 for dinner. The Air Force contends that the amounts for meals “did not appear to reflect actual expenses, but rather a fixed flat amount designed to meet the daily per diem max of \$184.00.” The agency noted on the voucher that a supplemental voucher could be considered if it cited actual amounts spent for meals; however, there is no evidence that a supplemental voucher was ever submitted. Mr. Sorensen acknowledges that he has claimed that daily maximum amount (which the agency has calculated correctly for the employee, his wife, and three children each of whom was twelve or older). He maintains, however, that “due to the [Air Force] error and not mine, I was not required to track and document expenses when they occurred.”

The amount claimed for lodging is documented and well within the maximum daily amount. It should be reimbursed by the agency – regardless of whether the amounts claimed for meals and incidental expenses are justified. *Michael L. Morgan*, GSBCA 13646-RELO, 97-2 BCA ¶ 29,021. The Department of Defense’s Joint Travel Regulations (JTR) contain two requirements for TQSE claim documentation: receipts must be provided for lodging costs and for any other single expense of \$75 or more; and a supporting statement for the claim must include, among other information, “[t]he cost of each meal, for each day, by date, and where and by whom consumed.” JTR C5368-A; *see also* 41 CFR 302-6.12 (for actual TQSE reimbursement, itemization of expenses per 41 CFR 301-11.306 (“each meal must be itemized separately”) is required). Mr. Sorensen has not met this last requirement. Notwithstanding the agency’s invitation to submit a supplemental voucher, he has not provided a supporting statement which includes the cost of each meal, for each day, by date and where and by whom consumed. We appreciate his point that by not issuing travel orders for seven months after he began work at his new duty station, the Air Force unreasonably

delayed the processing of his relocation benefits. Nevertheless, he is incorrect in asserting that because of agency errors, he was not required to document expenses when they occurred. The JTR requirement for documentation was present at the time of his transfer. If he wanted to be reimbursed for the meals consumed by his family while they lived in temporary quarters in Arizona, he should have kept appropriate records at the time the meals were consumed. We have no basis for concluding that any particular amount of money should be paid to him for those meals.

Once a period of eligibility for TQSE begins, it must run concurrently for each member of the immediate family. 41 CFR 6.109. Thus, the thirty-day period authorized for the Sorensens, having begun on March 8, 2013, ended on April 6, 2013. This was the last day any member of the family remained in temporary quarters in Arizona. Consequently, there was no eligibility for TQSE at any time once the family moved to Massachusetts. Any discussion of whether the apartment Mr. Sorensen rented in Massachusetts was temporary or permanent quarters is irrelevant to his TQSE claim.

Decision

Among the three items in dispute, Mr. Sorensen is entitled to be reimbursed for only one element of one of the items – TQSE for the costs of lodging he incurred in Arizona, \$1275.

STEPHEN M. DANIELS
Board Judge