



UNITED STATES
CIVILIAN BOARD OF CONTRACT APPEALS

July 29, 2015

CBCA 4540-RELO

In the Matter of WILLIAM GIGANTE

William Gigante, Republic of Singapore, Claimant.

Teesha R. Huggins, Chief, Labor/Employee Relations & Services Division, Human Resources Office, Navy Region Japan, Department of the Navy, FPO Area Pacific, appearing for Department of the Navy.

DRUMMOND, Board Judge.

Claimant, William Gigante, is a civilian employee in the Department of the Navy (Navy), Military Sealift Command (MSC). Though the record does not contain any permanent change of station orders, Mr. Gigante contends that in June 2015 he was scheduled to relocate from his current duty station in Singapore back to the continental United States (CONUS) to begin a new position.

Mr. Gigante argues that he is entitled to an advance on his outbound temporary quarters subsistence allowance (TQSA) to cover the cost of housing himself and his family in a Singapore hotel prior to their departure. However, according to Navy Region Japan Human Resources Office (HRO) policy, departing employees should not be advanced outbound TQSA.

On his Inspector General (IG) hotline intake form from August 3, 2014, Mr. Gigante states that he “asked HRO for redress and [was] refused.” He also argues that he “asked MSCHQ for help and [was] ignored.” Furthermore, he “asked IG to investigate it and was told [he] had been rejected for TQSA advance before [he] could file a complaint.” There is no evidence, however, that Mr. Gigante submitted a claim for TQSA with the Navy.

On February 4, 2015, Mr. Gigante filed a claim with the Board, arguing that it is unreasonable to expect departing employees like himself to bear the cost of TQSA without an advance, especially in “a very high cost area” like Singapore and that the policy exceeds the HRO’s authority.

Discussion

Congress vested authority in the Administrator of General Services to “resolve claims involving expenses incurred by Federal civilian employees . . . for relocation expenses incident to transfers of official duty station,” 31 U.S.C. § 3702(a)(3)(2012), an authority that the Administrator has redelegated to the Board. ADM P 5450.39D Ch. 19 (Nov. 16, 2011). CBCA Rule 401 defines the procedures that apply to the Board’s review of “claims for reimbursement of expenses incurred in connection with relocation to a new duty station.” 48 CFR 6104.401(b) (2014). Rule 401(c) provides:

Any claim for entitlement to travel or relocation expenses must first be filed with the claimant’s own department or agency (the agency). The agency shall initially adjudicate the claim. A claimant disagreeing with the agency’s determination may request review of the claim by the Board.

(Emphasis added).

In his claim to this Board for entitlement to an advance on outbound TQSA prior to his departure from Singapore, Mr. Gigante has offered no evidence that he first filed his claim with the Navy. Because Mr. Gigante did not first file his claim with the Navy, under Rule 401(c), the Board has no authority to resolve his claim. *See Donald L. Baker*, CBCA 3439-RELO, 14-1 BCA ¶ 35,728, at 174,894; *Richard P. Fenner*, CBCA 3207-RELO, 13 BCA ¶ 35,341, at 173,461 (confirming that the Board lacks authority to adjudicate claims for relocation expenses that were not first filed with the claimant’s own agency).

Decision

The claim is dismissed.

JEROME M. DRUMMOND
Board Judge